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~~SECOND~~ **SESSION, 1957**

(Vol. VIII contains Nos., 1 to 10)

LOK SABHA SECRETARIAT
NEW DELHI

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N.B.—The sign + above the name of a Member on Questions which were orally answered indicates that the Question was actually asked on the floor of the House by that Member.

LOK SABHA

Thursday, 21st November, 1957.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Research on Secondary Education

*327. **Shri Shree Narayan Das:** Will the Minister of **Education and Scientific Research** be pleased to refer to the reply given to Starred Question No. 971 on the 15th September, 1954 and state:

(a) whether the results of researches made under the programme drawn up for encouraging training colleges and education departments of Universities to undertake researches on specific problems of Secondary Education have been scrutinised by any expert body;

(b) whether the results achieved so far justify the expenditure incurred on this account; and

(c) whether any new Universities have come forward to do the work?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) The technical staff of the Ministry is responsible for scrutinizing the results of such researches. The research reports are then placed before the annual conference of Principals of training colleges concerned. Suggestions made by the conference are carefully considered.

(b) and (c). Yes, Sir.

Shri Shree Narayan Das: May I know what is the strength of the technical committee at the Centre, which scrutinises the result of the researches carried on?

Dr. K. L. Shrimali: There is no regular committee. There is a staff in the division of secondary education which, along with other work, also looks into the reports about these researches.

Shri Shree Narayan Das: May I know whether any period has been fixed, whether any regular reports have been asked for from the various institutions, whether those reports have been compiled by this committee and whether the committee has formulated any results and, if so, whether they have been published?

Dr. K. L. Shrimali: A report is already ready. All these investigations which have been carried on so far has been compiled into a report and the report is under print. I shall also place a copy of it in the Library for the information of the Members. I do not know what other questions the hon. Member asked.

Shri Shree Narayan Das: I wanted to know whether any periodical reports are asked for.

Dr. K. L. Shrimali: Yes, Sir. We ask the institutions to send us regular reports. There is no fixed time-limit for the researches. It will take two or three years, and sometimes more. It all depends on the nature of the research.

Raja Mahendra Pratap: What is the object of this secondary education?

Mr. Speaker: Thas has to be debated at the time of the budget session and the budget discussion. If the hon. Member wants that the budget on education should be given up, then he may press the issue then.

Shri C. R. Pattabhi Raman: Will the Government ensure that a uniform policy obtains so far as secondary education is concerned throughout India?

Dr. K. L. Shrimali: This is beside the question.

Shri Thimmaiah: May I know the names of the universities where this research is being conducted?

Dr. K. L. Shrimali: It is a long list. There are 20 institutions. If the hon. Member is interested, I shall place a list on the Table of the House.

Shri Shree Narayan Das: As a result of the results achieved in this direction, may I know whether the Government propose to continue this programme for research, and, if so, what is the period?

Dr. K. L. Shrimali: Yes, Sir. It is going to be continued.

Mr. Speaker: Before I call upon the sponsor of the question, the hon. Members will get up in their seats and catch the eye of the Chair.

Education Ministers' Conference

†

*328. **Shri Shree Narayan Das:**
Shri Bibhuti Mishra:
Shri Radha Raman:
Dr. Ram Subhag Singh:
Shri Naval Prabhakar:
Shri Kumaran:
Shri Sanganna:
Shri N. R. Munisamy:
Shri Mahanty:
Shri Tangamani:

Will the Minister of Education and Scientific Research be pleased to state:

(a) the subjects discussed at the conference of the State Ministers of Education held at New Delhi on the 19th and 20th September, 1957 under the auspices of the Union Minister of Education;

(b) the nature of decisions arrived at on various subjects, especially in respect of—

(i) introduction of universal free and compulsory education for children up to the age of eleven,

(ii) constitution of a smaller joint body of the representatives of the Union and State Governments in place of the Central Advisory Board of Education,

(iii) nationalisation of text books, and

(iv) sanction of grants directly to Hindi organisations of a national character for propagation of Hindi in non-Hindi speaking areas; and

(c) the steps taken so far for implementation of these decisions?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) to (c). A statement is placed on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 34.]

Shri Shree Narayan Das: From the statement, it appears that there was a large number of questions with regard to each item and that there are some conclusions reached by the Conference. May I know whether any time-limit has been fixed during which the State Governments and other concerns have been asked to implement those resolutions?

Dr. K. L. Shrimali: No, Sir. No time-limit has been fixed. From the nature of the work, it is difficult to place any time-limit, but we have already sent the minutes of the Conference to the State Governments and have requested them to implement them as early as possible. As far as the Central Government are concerned, they are examining their own proposals and they are taking necessary action.

Shri Tangamani: In the statement, we find that the three-year degree course has also been discussed, and may I know whether this proposal is being opposed by Bombay and Uttar Pradesh?

Dr. K. L. Shrimali: As far as I know, there are two universities which have not yet accepted this scheme—the Bombay University and the University of Agra. As far as other Universities are concerned, most of them have accepted this three-year degree course in principle and are implementing it in due course.

Shri Damani *rose*—

Mr. Speaker: Shri Sanganna.

Some Hon. Members: He is not Shri Sanganna.

Mr. Speaker: I have called this hon. Member. I called Shri Sanganna. He did not get up. He did not hear. He is not here possibly. I have called this hon. Member. I know most of them by name. I am trying to get to know the names of others.

Shri Damani: May I know whether Government have considered the changes that take place in the text-books and whether any decisions have been taken to see that changes of text-books are made after a long period?

Dr. K. L. Shrimali: This is beyond this question.

Shri R. Ramanathan Chettiar: May I know whether the Kerala Education Bill was one of the subjects that was discussed in this Conference?

Dr. K. L. Shrimali: No, Sir.

Shri Radha Raman: May I know whether the Education Ministers' Conference had discussion with regard to the inclusion of manual work before any degree or diploma or certificate is awarded to the students of higher secondary schools?

Dr. K. L. Shrimali: The whole statement has been placed on the Table of the House, and it gives full information with regard to all the points that have been discussed at the Conference.

Dr. Ram Subhag Singh: The other day, the hon. Minister said that he was thoroughly dissatisfied with the state of affairs in the Delhi schools. May I know what efforts the Government propose to make the education of children between the ages of 6 and 11 compulsory and for that purpose what improvements are they going to effect throughout the country?

Mr. Speaker: How does this arise out of this question? These are decisions of the Conference.

Dr. Ram Subhag Singh: The hon. Minister mentioned the other day specifically. They say that the education of children of the age-group 6-11 should be made free, compulsory and universal by the end of the third Five Year Plan at the latest. What efforts they are going to make in this direction?

Dr. K. L. Shrimali: As far as the Centrally administered areas are concerned, I might inform the hon. Member that we are only making estimates for introducing free and compulsory education for the age-group 6-11. But there is no provision in the Plan for the expansion of education in Delhi. We are now trying to find out if funds could be available from other sources to implement this Plan for Delhi.

Shri N. R. Munisamy: May I enquire what is the estimate of additional expenditure that will be incurred in giving effect to the proposals taken at the Conference and the conclusions that have been arrived at? What is the amount to be incurred?

Dr. K. L. Shrimali: It is very difficult for me to give the estimates for all the recommendations—for free and compulsory introduction of education, the reorganisation of universities, etc. I would refer the hon. Member to the Planning Commission's report which gives a fair picture of the amount that will be needed and that is allotted to it.

Mr. Speaker: For sometime past, I have been considering as to what I should do with respect to questions to which a number of names have been added. I cannot obviously give opportunity to every hon. Member who put the question—even to all those Members whose names appear here. Others also want to take part. Therefore, in such cases, I would rather

more easily grant a half-hour discussion if the hon. Members are not satisfied with the answers given here and some more elucidation is necessary, in which case, those hon. Members will each put a question and in the end the hon. Minister will give a reply.

Now, with respect to matters where a statement is laid on the Table of the House, the hon. Minister, whoever might be in charge, cannot be expected to go into the details of everyone of the items. Then it becomes a discussion. The House wants to know what has happened at the Conference. Here and there, one or two questions may be put, but the details regarding the Conference as to why a particular decision was taken or was not taken would not come within the scope of the questions here. I do not know; I would like to consult the Business Advisory Committee or the General Purposes Committee as to what we shall do with regard to such matters—how far an opportunity is necessary and how an opportunity can be given.

Arms Act

*329. **Shri D. C. Sharma** Will the Minister of **Home Affairs** be pleased to state whether the Government of India have finalised their proposals to amend the Arms Act?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The matter is under consideration.

Shri D. C. Sharma: May I know for how long the matter has been under consideration, because whenever I put this question, I am given the same answer. May I know for how long this matter has been under consideration and for how long it is going to be under consideration? I want a very firm reply to this question.

Shri Datar: May I point out to this House that we have to consult all the State Governments and have their opinion? There was also a Private Member's Resolution which was circulated for public opinion. So, a volume of public opinion has been received and it has to be considered. I assure the hon. Member that Government would take a decision at a very early date.

Shri D. C. Sharma: May I know if the amended Arms Act will be placed before the Lok Sabha in the next session?

Shri Datar: We shall try our best to place it before the House in the next session.

Shri Thimmaiah: When Dr. Katju was the Home Minister, he was kind enough to say that he would come with an amended Act before this House. May I know why there is a lot of delay?

Shri Datar: We stand by that promise.

Shri Joachim Alva: Do Government propose to categorise all citizens who can possess elementary arms on mere application and in that category, do Government propose to include M.Ps. also?

Shri Datar: The hon. Member will kindly wait until the Bill is placed before this House.

Raja Mahendra Pratap: Can we not do away with licences altogether?

Shri Datar: I am afraid we cannot.

श्री रघुनाथ सिंह : मैं यह जानना चाहता हूं कि मेट्रो असेम्बली के जो मेम्बर लोग थे वे आर्म्स एक्ट से एक्जेम्प्ट थे। जो आप नया अमेंडमेंट लावेंगे उसमें म० पी० लोगों को उसी प्रकार एक्जेम्प्ट करेंगे या नहीं ?

श्री दातार : गवर्नमेंट इस प्रस्ताव पर विचार कर रही है।

Shri P. R. Patel: Certain Government servants are exempted from the operation of the law. May I know whether M.L.As., M.Ps., Presidents of Municipalities and local boards will also be exempted?

Shri Datar: There are certain difficulties in connection with the acceptance of this suggestion. All the State Governments are considering this matter.

बाढ़ें

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३३०. { पंडित ह्रा० ना० तिवारी :
डा० राम सुभग सिंह :
श्री रघुनाथ सिंह :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पिछले सैशन में बाढ़ से उत्पन्न स्थिति पर अन्तिम वक्तव्य के बाद से गत वर्षाकाल में बाढ़ या अतिवृष्टि से जन-धन की हानि के बारे में सब राज्य सरकारों से रिपोर्ट प्राप्त हुई हैं;

(ख) यदि हां, तो बाढ़ तथा मकानों के गिर जाने से कितने लोगों की मृत्यु हुई ;

(ग) कितने मवेशी मर गये या बह गये ; और

(घ) फसल को अनुमानत: कितनी हानि हुई ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री दातार) : (क) अधिकांश राज्यों से इस प्रकार की रिपोर्ट प्राप्त हो गई है ।

(ख) अक्तूबर, १९५७ के अन्त तक की प्राप्त सूचना के अनुसार बाढ़ तथा मकानों के गिर जाने से २४१ व्यक्तियों की मृत्यु हुई ।

(ग) २६५० ।

(घ) १२.३ करोड़ रुपये ।

पंडित ह्रा० ना० तिवारी : क्या मैं जान सकता हूं कि इसका स्टेटवाइज फिगर है ;

Shri Datar: We have got those figures, but they are very long.

Shri Easwara Iyer: I want to point out that on 20th August, 1957, in connection with Starred Question No. 973, you were pleased to direct as follows:

"Whenever a question is put in Hindi, the answer is also given in Hindi. In future copies of the answer in English to Hindi questions will be given in advance to the Notice Office. Hon. Members who want to put supplementary questions to questions in Hindi may look into that beforehand instead of asking the hon. Minister to read it again in English on the floor of the House. This is the practice I intend adopting in future."

In fact, the Notice Office is not giving the answers in English.

Mr. Speaker: I have since considered that matter. There has been difference of opinion regarding this suggestion. In some of our assemblies here, written answers are already placed on the Table of the House or supplied to hon. Members half an hour in advance of the questions being asked in the House. This matter was considered and it was considered that the interest taken by hon. Members will disappear unless oral questions are put and oral answers are given on the floor of the House then and there. This would indirectly mean that copies of answers will be laid on the Table of the House here. Those hon. Members who do not know English would like Hindi answers. Therefore, practically whatever we wanted to avoid by way of written answers will be available here to hon. Members. Therefore, I have been considering whether it is all proper. Whichever hon. Member is not able to understand Hindi, I ask the Minister to give the English answer on the floor of the House. That will go on for some time until I consider this matter and the feasibility of doing so.

I would also urge upon hon. Members progressively to learn Hindi. Let them also have a Five Year Plan. At the end of five years they must be thoroughly acquainted with Hindi.

Shri Tangamani: Whenever statements are laid in Hindi, will the English version also be supplied? I am referring to statements which are available in the Notice Office.

Mr. Speaker: So far as statements are concerned, if the statements are in Hindi, I will ask an English translation to be given.

Dr. Ram Subhag Singh: The hon. Minister said that about 241 persons have died and about Rs. 12·93 crores had been sanctioned for relief purposes. May I know whether the attention of the Government has been drawn to a master plan prepared by the U.P. people to save the sugarcane-growing districts of U.P.? There the author of the plan has said—I am quoting his actual words—

> "The author of the master plan says that in recent years the entire countryside of the district has been segmented into thousands of watertight compartments by tube-well and canal channels, railway lines and a mushroom growth of development roads intersecting one another."

May I know whether the Government will see that while constructing these things, the P.W.D. Department will keep in view the effect of natural flow of water?

Shri Datar: This is a general question which will have to be considered by the State Government and if I mistake not, by the Agriculture Ministry of the Central Government. So far as we are concerned, we keep a machinery ready for meeting all these calamities and we sanction expenditure so far as these calamities are concerned.

Dr. Ram Snbhag Singh: About Rs. 12 crores have been sanctioned, but on the other hand property worth crores of rupees has been wasted due to floods. Is it not possible to effect a machinery which may go into the details of the problem while constructing canals, roads, railway lines, etc.?

Shri Datar: I am quite confident that this suggestion will be considered by the appropriate authorities.

श्री रघुनाथ सिंह : यू० पी० के जिस मास्टर प्लान को मंत्री महोदय ने जिक्र किया है क्या उसका उन्होंने अध्ययन भी किया है ; और दूसरी बात यह है कि इस बात को देखते हुये कि उत्तर प्रदेश के पूर्वी जिलों में और बिहार में हर साल बाढ़ आती हैं, क्या कोई ऐसी नियमित योजना बनायी गयी है कि बाढ़ का आना असम्भव हो जाय या रुक जाये;

Shri Datar: I believe that this question is being considered by the other Ministry.

Mr. Speaker: I am glad the hon. Home Minister comes to the rescue to give relief in case of floods, etc. But so far as control of floods is concerned, whether a master plan is necessary, what should be done in case of emergencies etc., those questions should be addressed to the Irrigation Ministry and other Ministries.

Dr. Ram Subhag Singh: There should be co-ordination.

Mr. Speaker: Ultimately when a special matter is there, let the specialist be asked about it.

Raja Mahendra Pratap: May I know what is the situation in regard to floods in Mathura and Aligarh, because my question yesterday about certain water which is filling up many fields near Mathura, Kushipura and other places was not allowed?

Shri Datar: I can answer the question in general about the flood situation, but I cannot answer special questions about special areas.

Pandit D. N. Tiwary: I sponsored the question and I have been allowed to ask only one supplementary.

Mr. Speaker: But there is no limit to these questions. By accident the hon. Member's name is foremost in the list. Other hon. Members also are allowed to put only one question. Therefore, let no hon. Member demand it as a matter of right. I will watch the proceedings here and find out whether they are necessary. We are going to have a discussion on floods—there is a "No-Day-Yet-Named-Motion" by Dr. Ram Subhag Singh. The hon. Member may raise the point at that time.

Pandit D. N. Tiwary: I want to put a question.

Mr. Speaker: Is he insistent? Is the question so important?

Pandit D. N. Tiwary: I want to put only one question. Now relief is given to flood-affected people only. May I know whether relief will be given in the case of house collapse from rains?

Shri Datar: It is a question for the State Government to consider. It is open to them to give grants or to make other provisions. Then we supplement the grant.

Oceanographic Research Wing

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*331. { **Shri Subodh Hasda:** / **Shri R. C. Majhi:**

Will the Minister of **Education and Scientific Research** be pleased to state:

(a) the progress that has been made so far in the establishment of the Oceanographic Research Wing at the Indian Naval Physical Laboratory in Cochin;

(b) steps taken, if any, for securing adequately qualified teachers for the Wing;

(c) the funds allotted for this purpose; and

(d) the expenditure incurred to date for the establishment of the Wing?

The Deputy Minister of Education and Scientific Research (Shri M. M. Das): (a) Central Government's sanction for the recruitment of staff for the Oceanographic Research Wing was issued on the 10th May, 1957. Necessary action is being taken to recruit the staff and also for the procurement of requisite equipment.

(b) No. teachers are required for this Wing which is a Research organisation.

(c) Rs. 9·08 lakhs for the Second Five Year Plan period.

(d) Nil.

Shri Subodh Hasda: May I know the action taken on the recruitment of staff?

Shri M. M. Das: We have sent requisition to the UPSC for the recruitment of a candidate for appointment to the post of Scientific Officer. As soon as the UPSC selects a person and he is appointed, the work will begin. We had also asked the UNESCO for an expert on Oceanography. But it was not possible for the UNESCO to send an expert for the current year. We are now taking up the matter with the Colombo Plan authorities.

Shri V. P. Nayar: What are the specific subjects on Oceanography on which research is proposed to be carried on and what is the area from which data is now sought to be collected for use in research in Oceanography?

Shri M. M. Das: I can read it to the hon. Member though it appears to be a difficult subject. Research will be carried out in the fundamental aspects of Oceanography like bathymetric work, measurements of salinity, temperature, ocean currents of surveys and depths for determination of density and composition, study of ocean floor deposits including their chemistry and radioactivity. It will also conduct exploration on the sea bottom by gravity, magnetic and seismic methods and carry out researches for improvements in the methods of observation of instruments.

Shri V. P. Nayar: May I know....

Mr. Speaker: Is the hon. Member making any suggestion?

Shri V. P. Nayar: There is another aspect. We are far behind in Oceanographic research. I want to know the area from which Oceanographic data will be collected for purposes of research, that is, whether it will be confined to the West Coast area or it will be done in the East Coast also.

Shri M. M. Das: As we advance in this research, we will gradually extend it to all the areas in our country. But,

for the time being, until the required officers with adequate qualifications are appointed, these things cannot be decided.

Shri Easwara Iyer: May I know whether the data collected by the I N P L is made available to the Fisheries Department?

Shri M. M. Das: As far as our research is concerned, certainly they will be made use of by the Fisheries Department. The results of the research would be of particular importance to Navy, coastal navigation, Universities and Fisheries Department. Nothing will be hidden from the State Government.

India Office Library

*382. { **Shri Barman:** **Shri S. C. Samanta:**

Will the Minister of **Education and Scientific Research** be pleased to state the progress so far made in arriving at a sttlement with the British Government about the India Office Library in London?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): There has been no development since Question No. 191 on the subject was answered in the Lok Sabha on 21st May, 1957.

Shri Radha Raman: In view of the slowness of progress or no progress in the matter, may I know whether the Government contemplate taking this matter to the International Court.

Dr. K. L. Shrimali: No, Sir.

Shri Barman: In reply to the earlier question the hon. Minister has just now stated that there has been no development since 26th November, 1956. Now one year has passed. What is the latest correspondence on the subject and what is the main point on which this matter is stuck up?

Dr. K. L. Shrimali: As the House is aware, this matter was discussed with Earl Home when he came here in October, 1956. Both the Education Minister and the Prime Minister discussed this matter with him. A note was also handed over to him when he was here. Then, we followed this with another note which we sent on 10th February, 1957. But no reply has so far been received from them. Then again, the High Commission of India have recently informed us that they have reminded the Commonwealth Relations Office to expedite a reply to the note which was handed over on 10th February, 1957. Unless we receive a reply to that communication, no further action can be taken in this matter.

Shri Barman: What is the main point on which this matter is stuck up? What is the objection of the British Government as regards transfer?

Dr. K. L. Shrimali: The main point is that we have claimed that the India Office Library belongs to undivided India and so it should be transferred.

Shri S. C. Samanta: May I know how far Pakistan is standing in the way? What are the difficulties that they have created?

Dr. K. L. Shrimali: It is rather a delicate question and I would not like to enter into that matter. This question was discussed with the Minister of Pakistan also. At present the main thing is that we have to settle with the U.K. Government and after this decision has been taken, further action can be taken in this matter.

Shri Yajnik: May I know whether Government have secured a complete list of all the manuscripts and books that are available in the India Office? Would they try to get those reports and administrative and political documents which relate to different areas of India or any part thereof?

Dr. K. L. Shrimali: We have a list with us. As regards the procurement of those books or documents, that matter can be settled only after we

have received a reply to the note which we have sent to the Commonwealth office.

Shri Sadhan Gupta: While we wrangle over the original documents, has any attempt been made to obtain at least microfilmed copies of important documents in the Indian Office Library which have historical and political importance to our country?

Dr. K. L. Shrimali: That question does not arise at the present moment because we are claiming the whole library.

Housing Scheme for Backward Classes and Scheduled Castes

*333. **Shri Elayaperumal:**
Shri Raghunath Singh:
Shri M. R. Krishna:
Shri S. M. Banerjee:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether there is any proposal under consideration of the Central Government to give aid to the homeless people of Backward Classes and Scheduled Castes for the purchase of house sites for their dwellings;

(b) the outline of the scheme; and

(c) the reactions of the State Governments to it?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) and (b). Some of the State Governments have already got schemes in their Second Five Year Plans to provide house-sites to Harijans. The others have been advised to make adequate provision for this purpose in their annual plans for 1958-59. There is no proposal under consideration to provide house-sites to Other Backward Classes.

(c) The reactions of the State Governments are awaited.

Shri Elayaperumal: May I know whether the Madras Government has received any aid and, if so, the amount allotted to that State?

Shrimati Alva: We have not received any request from Madras as yet.

Shri M. R. Krishna: How many States have applied for grants for house sites for Harijans and how many States have got grants? May I also know whether they are getting a matching grant in order to take full advantage of the Central Government grant?

Shrimati Alva: Only two States have made requests—Andhra Pradesh and Mysore. The Centre has undertaken to share it on 50:50 basis.

श्री रघुनाथ सिंह : क्या यू० पी० सरकार ने कोई स्कीम दी है या नहीं और अगर दी है, तो उस में आप की क्या सहायता होगी ;

श्रीमती आल्वा : यू० पी० सरकार ने भी स्कीम भेजी है ।

Shri M. R. Krishna: May I know how many States, which could not find the matching grant, got the Central grant for providing house sites?

Shrimati Alva: Only Andhra Pradesh and Mysore have applied; none else.

Shri Keshava: May I know the amount of grant given by the Centre so far as Mysore State is concerned?

Shrimati Alva: We gave Mysore, in terms of lakhs of rupees, 0.01333 to Karnataka and 0.05000 to the erstwhile State.

Shri I. Eacharan: May I know whether the Central Government has advised all other State Governments to send up schemes in order to take advantage of this scheme?

Shrimati Alva: When the States undertake schemes, we shall step in.

Shri M. R. Krishna: May I know under what condition the Punjab Government was given money for house sites?

Shrimati Alva: I am not aware of this case that the hon. Member is mentioning.

Mr. Speaker: The hon. Member wants to know if the Punjab Government was not asked to match 50 per cent of the contribution by the Central Government and if not, why not the Andhra Government.

Shrimati Alva: This is a question common to all the States. I do not know how Punjab comes in here.

Shri Thimmaiah: Is this grant in addition to the normal grant given annually by the Central Government?

Shrimati Alva: Yes, Sir.

Delhi Schools

*334. **Shri Easwara Iyer:**
Shri Naval Prabhakar:
Shri Narayanankutty Menon:

Will the Minister of Education and Scientific Research be pleased to state:

(a) whether it is a fact that the Committee set up to enquire into the affairs of non-Government aided schools in Delhi has submitted its report;

(b) if so, the recommendations thereof; and

(c) the extent to which they have been implemented?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) No, Sir.

(b) and (c). Do not arise.

Shri Easwara Iyer: Is the Government in receipt of a number of complaints that the salaries of teachers have not been disbursed by these aided schools for the last six months?

Dr. K. L. Shrimali: Whenever complaints are received, we have taken action. Some time back, a complaint came to me. I saw that all those teachers who had not received salaries are given in time. I think, as far as my knowledge goes, all the teachers were given salaries. This is a limited question with regard to this Committee. I have already said that we are awaiting the report of this Committee. Necessary action will be taken after the report has been received.

Shri C. K. Nair: There was a Committee called the Implementation Committee appointed a few months ago to deal with the growing educational problems of Delhi and we are told that that committee has been dropped. Why is it so when the question is still alive?

Mr. Speaker: This committee refers to aided schools only. I do not know what the committee is which the hon. Member refers to. I am asking Shri C. K. Nair.

Shri C. K. Nair: Can't we put a question....

Mr. Speaker: Relating to some other committee. If it relates to aided schools, he is entitled to put some more questions regarding them.

Shri C. K. Nair: Almost allied question. We are facing serious problems about education in Delhi. An Implementation Committee was appointed. We are told that it has been dropped.

Mr. Speaker: I am not going to allow this. Hon. Member, if he is so interested, can disturb himself and take the trouble of putting a separate question.

Shri Radha Raman: May I know if the Government has put any limit of time for this Committee to submit its report? It is already quite long since this Committee was appointed. We are anxiously awaiting its report.

Dr. K. L. Shrimali: I have requested the Chairman, who is an hon. Member of this House to expedite submission of this report. I understand that the report is in the final stages and will be ready by the end of this month.

Shri V. P. Nayar: The hon. Minister stated that the report has not been available yet. Could I know the number of non-government aid schools with primary section in which a fee of Rs. 15 per student per month is charged in Delhi?

Dr. K. L. Shrimali: The hon. Member is going beyond the scope of this question. It is not possible for me to give all that information.

Mr. Speaker: Next question.

Shri Tangamani: One more question, Sir.

Mr. Speaker: I am not going to allow further questions. We have a number of questions to be answered.

Shri Tangamani: There was a strike notice on the same issue. If the recommendations are not implemented immediately there will be another strike.

Mr. Speaker: Let them strike.

Bank Advances against Foodgrains

*335. **Shri Sadhan Gupta:**
Shri Shree Narayan Das:
Shri Radha Raman:
Shri Awasthi:

Will the Minister of **Finance** be pleased to lay a statement on the Table showing:

(a) the position of bank advances against foodgrains as on the 31st October, 1957;

(b) the position of bank advances against rice and paddy in the States of West Bengal, Assam, Orissa, Andhra Pradesh, Madras, Kerala and Mysore as on the 31st October, 1957; and

(c) how this position compares with the position of such advances as on the 31st October, in each of the three preceding years?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) to (c). Complete data regarding the position as on the 31st October, 1957, are not yet ready. Figures of Statewise distribution of the advances were not maintained prior to 1956. A statement showing the position as at the end of August is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 35].

Shri Sadhan Gupta: It is said, complete data for the position as on 31st October is not available. What is the incomplete data in this respect? Is any data available on State basis?

Shri B. R. Bhagat: I think I am not called upon to give incomplete or inaccurate data.

Shri Sadhan Gupta: Is any data available for some States and if so, for which States?

Shri B. R. Bhagat: Because of the strike in Bengal, the branches of the State Banks and Scheduled Banks in Bengal could not furnish data. So, data up to October for all the banks could not be ready. If the hon. Member wants some rough and ready figure, as on the last occasion it was given in regard to paddy and rice, the figure was about Rs. 4 crores. Some such figure again can be provided. As for having comprehensive data, there is genuine difficulty.

Shri R. Ramanathan Chettiar: May I know, as a result of this credit squeeze policy of the Reserve Bank of India in respect of advances on foodgrains, if the prices have come down and if so by what percentage?

Mr. Speaker: Going away from one thing to another.

Shri Shree Narayan Das: From the statement it appears that on 31st August 1956, advances against paddy and rice were Rs. 7.5 crores and on 30th August, 1957, it was Rs. 6·5 crores. I would like to know whether any Scheduled Banks took action according to the direction given by the State Banks. There is only a reduction of one crore. What about other banks?

Shri B. R. Bhagat: The reduction has been as a result of the directive of the Reserve Bank which other Banks implemented.

Shri Bimal Ghose: May I know if the Government have ever enquired and found out the reason why the advances in 1953-54 and 1954-55 when we had the largest food production were lower than in 1956-57?

The Minister of Finance (Shri T. T. Krishnamachari): I can't quite comprehend what the hon. Member said. Would he repeat the question?

Mr. Speaker: The advances in 1953 were much lower when production of foodgrains was the highest.

Shri T. T. Krishnamachari: I won't like to hazard an answer because I have not got the figures before me. The hon. Member will recognise that the index figures for foodgrains in 1953-54 came down to about 86. It is now somewhere about 109. The very fact that prices were lower could certainly necessitate the advance amount being lower even though the stocks were higher. It is quite possible that the figure might have been lower than what it is today. I would like to say in addition to what my young colleague has said, the hon. Member opposite has asked for a discussion of this matter and it has been directed that a discussion should take place. I am collecting information and I expect to be able to give the Lok Sabha Secretariat the date on which I will be ready for the discussion. This matter may be thrashed out in full on that date.

English Language Teaching Institute

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*336. **Dr. Ram Subhag Singh:**
Shri Kumaran:
Shri Wodeyar:

Will the Minister of **Education and Scientific Research** be pleased to state:

(a) whether Government propose to set up an autonomous institute to improve the teaching of English in the country;

(b) if so, whether the plan for the same has been prepared;

(c) where and when that institute is likely to be set up; and

(d) whether it is a fact that the Ford Foundation of America has made a grant for the establishment of such an institute?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) Yes, Sir.

(b) Yes, Sir.

(c) The Institute is likely to be set up at Hyderabad in the near future.

(d) No, Sir, the grant has not yet been received.

Dr. Ram Subhag Singh: May I know whether the plan for setting up that institute in Hyderabad has been finally decided and the date has also been fixed for setting up the institute?

Dr. K. L. Shrimali: As I said, the institute is likely to be set up at Hyderabad and the Osmania University has already offered a part of its buildings for the location of this Institute. Final decision has still to be taken. As far as I can see, most probably, it will be in Hyderabad that the Institute will be set up. What is the other question?

Dr. Ram Subhag Singh: By what time?

Dr. K. L. Shrimali: We are now awaiting the final sanction from the Finance Ministry for the whole scheme. As soon as that is received, the work will be started.

Shri Rameshwar Tantia: May know how much Government propose to spend over this institute?

Dr. K. L. Shrimali: The total estimate will be Rs. 41 lakhs for the first five years. This does not, of course, include the cost of separate buildings which will cost approximately another Rs. 10 lakhs.

Shri Kumaran: May I know whether the committee appointed by the University Grants Commission has submitted its report on this question, and whether it is on the recommendation of that committee that the institute is going to be set up?

Dr. K. L. Shrimali: No.

Shri Biren Roy: May I know what kind of English will be taught here, American English or English English, or whether we are going to develop Asian English?

An Hon. Member: Indian English.

Shri Braj Raj Singh: May I know whether any such institutes are also being set up for improving the teaching of Hindi and other regional languages of India?

Dr. K. L. Shrimali: This is an institution which is meant specially for English.

Shri C. R. Narasimhan: May I know the special reason for bypassing the universities, which have been functioning for so many centuries in the matter of teaching English, and for switching over to a new institution which will cost such a big amount as Rs. 40 lakhs or so?

Dr. K. L. Shrimali: There is no question of bypassing the universities. There has been a general feeling among educationists and the universities themselves that there has been a general deterioration of standards in the teaching of English. It is in order to meet that situation that a special institution is necessary, which will offer courses to English teachers, that is, teachers of the English language in the high schools and in the training schools, and will also conduct researches in the learning of foreign language, and also advise the State Governments and the universities with regard to the problem of teaching English and how the standards could be raised.

Shri Dasappa: Will similar institutes be started for other foreign languages like German, French, Russian and so on?

Dr. K. L. Shrimali: I hope my hon. friend is not comparing English with the other languages. English has a special position in our country.

Shri Thanu Pillai: May I know whether the deterioration in the teaching of English is due to our switching over to teaching in the medium of the mother-tongue or due to the inefficiency of the method of teaching? What is the aspect in which special training is going to be given in this institute?

Dr. K. L. Shrimali: There is not one single factor. There are many factors. But this is beyond the scope of the question.

Contribution to Political Parties

*337. **Shri H. N. Mukerjee:**
Shri M. Elias:
Dr. Ram Subhag Singh:

Will the Minister of **Finance** be pleased to refer to reply given to Starred Question No. 342 on the 25th July, 1957 and state whether any decision has been reached about amending the Companies Act, 1956, in the light of judicial observations in regard to contribution by joint stock companies to political parties?

The Deputy Minister of Finance (Shri B. R. Bhagat): No, Sir.

Shri H. N. Mukerjee: May I know whether Government have any reports about the actual amounts contributed by certain companies like the Tatas and Martin Burns to political parties, and if so, whether those reports would be available to the House?

Shri B. R. Bhagat: This does not arise out of this question.

Shri Nagi Reddy: No, it does.

Shri Tangamani: It relates to reform.....

Mr. Speaker: The question was whether any decision had been reached about amending the Companies Act

in the light of judicial observations. The Minister has replied, no. How does the other thing arise?

Shri Nagi Reddy: Before the decision is reached, they must have some facts before them.

Mr. Speaker: The hon. Member has not asked that question.

Shri H. N. Mukerjee: May I make a submission? Government said earlier that they had in contemplation a legislation of this sort, and, therefore, I asked this question to find out whether Government are trying to proceed on the basis of ascertained facts about the contributions to political parties.

Mr. Speaker: They now say, no. Therefore, there is no need to ascertain facts.

Shri Bimal Ghose: It has been stated that no decision has been reached. May I know whether it is still under consideration?

Shri V. P. Nayar: The point is that no decision has been reached.

Shri Bimal Ghose: So, is it still under consideration?

Mr. Speaker: The hon. Member wants to know whether it has been given up once and for all or is still under consideration?

The Minister of Finance (Shri T. T. Krishnamachari): No. Nothing that is raised on the floor of the House by any hon. Member is given up. The time when we finally say whether it can be done or cannot be done will be the time when we can say whether it has to be given up. In fact, the hon. Member himself had in various supplementaries mixed up a number of objectives. That is why, perhaps, we were a little polemical in providing an answer.

The fact remains that the court's *obiter* in a matter of this nature had to be taken some notice of, and the informal committee that was appointed for the purpose of considering the procedural revisions in the Companies Act was asked to study this problem. Perhaps, that committee has submitted its report; perhaps, it has made some mention of it. I am not yet aware of it. The tome is rather very big, and I have not been able to go through that big report.

But all that we can say at the moment is that we have not made any progress.

राष्ट्रीय अनुशासन योजना

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*३३९. { श्री भक्त दर्शन :
श्री श्रीनारायण दास :
श्री राघा रमण :
श्री स० चं० सामन्त :
श्री बर्मन :

क्या शिक्षा और वैज्ञानिक गवेषणा मंत्री २० अगस्त, १९५७ के तारांकित प्रश्न संख्या ९७३ के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) राष्ट्रीय अनुशासन योजना के वित्तीय मामलों और प्रशासन सम्बन्धी ब्यौरों पर जो विचार किया जा रहा है, क्या उस के सम्बन्ध में इस बीच अन्तिम निर्णय कर लिया गया है ;

(ख) यदि हां, तो क्या स्वीकृत कार्यक्रम और उस के वित्तीय पहलू बताने वाला एक विवरण सभा पटल पर रखा जायेगा ; और

(ग) उस स्वीकृत कार्यक्रम के अन्तर्गत अब तक क्या प्रगति हुई है ?

शिक्षा और वैज्ञानिक गवेषणा मंत्रालय में राज्य-मंत्री (डा० का० ला० श्रीमाली) : (क) नहीं, जी ।

(ख) तथा (ग). प्रश्न नहीं उठते ।

Shri Achar: May we have the English translation of this?

Mr. Speaker: Yes.

Dr. K. L. Shrimali: (a) No, Sir. (b) and (c). Do not arise.

श्री भक्त दर्शन : चूंकि यह हमारे देश के लिये बहुत ही महत्वपूर्ण प्रश्न है और कई वर्षों से इस पर केवल विचार किया जा रहा है तो क्या माननीय मंत्री यह बताने की कृपा करेंगे कि वे खास अड़चनें क्या हैं जिनकी वजह से इतनी देरी हो रही है ?

डा० का० ला० श्रीमाली : यह तो मैं जानता हूं कि यह उपयोगी स्कीम है और इसलिये जनरल भोंसले को नियुक्त किया गया है । अब सिर्फ प्रश्न यह उठता है कि इस पूरी पंचवर्षीय योजना के लिये कितने फंड्स चाहियें और कितने फंड्स मिल सकते हैं, इसके ऊपर जांच हो रही है और ज्यों ही यह जांच पूरी हो जायगी और रिहैबिलिटेशन मिनिस्टर से पता चल जायगा कि इस काम के लिये कितने फंड्स हमको वहां से मिल सकते हैं, यह योजना कार्यान्वित की जायगी ।

श्री भक्त दर्शन : क्या यह सत्य है कि जनरल भोंसले को यद्यपि इस योजना का भार सौंप दिया गया है, लेकिन न तो उन्हें कोई प्रशासनिक अधिकार दिये गये हैं और न ही कोई साधन उपलब्ध किये गये हैं ? मैं जानना चाहता हूं कि इस सम्बन्ध में वास्तविक स्थिति क्या है ?

डा० का० ला० श्रीमाली : वास्तविक स्थिति यह है कि जनरल भोंसले को इस योजना को पुनरावृत्ति करने के लिये कहा था क्योंकि जितना रुपया वह चाहते थे उतने उपलब्ध नहीं हैं । जब योजना पूरी बन जायगी उसके बाद ही इसको कार्यान्वित किया जायगा ।

श्री राधा रमण : क्या मैं जान सकता हूं कि इस स्कीम को चालू करने के सम्बन्ध में क्या सरकार इस बात पर भी विचार कर रही है कि स्कूलों में जहां यह स्कीम चालू की जायगी और वहां ए० सी० सी० भी सिखाई जानी है, तो क्या एक स्कूल में यह दोनों पैट्रन चलेंगे या इनकी अलग अलग व्यवस्था की जायगी ?

डा० का० ला० श्रीमाली : दोनों अलग अलग है । यह सम्भव नहीं होगा कि एक ही संस्था में यह दोनों ही स्कीम्स् चालू हों क्योंकि विद्यार्थियों के पास समय सीमित होगा ।

डा० सुशीला नायर : मंत्री महोदय ने अभी कहा था कि वे इस बात का पता कर रहे हैं कि रिहैबिलिटेशन मिनिस्टर कितने फंड्स देंगे, तो क्या इसका यह अर्थ है कि यह स्कीम विस्थापित विद्यार्थियों के लिये ही होगी या सभी विद्यार्थियों के लिये डिस्प्लेस्ड और नान डिस्प्लेस्ड सभी के लिये इसको चालू करने का विचार है ?

डा० का० ला० श्रीमाली : जी, हां इसको अभी सब विद्यार्थियों के लिये चालू करने का विचार है और इसी दृष्टि से पहले यह पता लगाया जा रहा है कि रिहैबिलिटेशन मिनिस्टर के पास कितने फंड्स हैं और उसके बाद ही ठीक तरह से सारी योजना बनाई जा सकती है लेकिन जो योजना होगी वह केवल डिस्प्लेस्ड स्टूडेंट्स के लिये ही नहीं बल्कि दूसरे विद्यार्थियों के लिये भी होगी ।

Shri S. C. Samanta: May I know whether the quality of the scheme has been finally accepted by Government, and if so, whether the status that the boy scouts' organisation is enjoying will immediately be given to this also?

Dr. K. L. Shrimali: I do not know what the hon. Member is hinting at. As far as the Government of India are concerned, they have already accepted the scheme. They have appointed Gen. Bhonsle as the adviser for the implementation of this scheme. It is the policy of Government to work among the youth not with any particular programme, but to have various kinds of programmes and activities such as the National Discipline Scheme, the scout movement, the ACC, the NCC, and so on. All these are useful for the education of the youth.

Shri Barrow: May I know whether this scheme has been examined by educationists, whether it is necessary to superimpose this into the ordinary working of schools, and whether the ordinary working of schools cannot be so reoriented that discipline may become an integral part of schools?

Dr. K. L. Shrimali: There will be no superimposition. The State Governments and the Education Departments of the State Governments will be consulted before this scheme is introduced. The expansion will naturally take place only with the agreement of the State Governments. So, there is no question of imposition.

As far as the wider question is concerned, every effort will be made to see that this scheme becomes an integral part of the whole education provided in the educational institutions.

Shri Tyagi: Have the Government examined the feasibility of co-ordinating all these schemes, like the Scouts, N.C.C. etc. whose aims are common, into one as that will also save money?

Dr. K. L. Shrimali: That matter is under consideration and we shall very soon examine how we can co-ordinate all these activities so that there is no duplication of work.

Shri Thimmaiah: May I know whether State Governments are also asked to share the expenditure of this scheme?

Dr. K. L. Shrimali: At present, we are not asking the State Governments, but wherever State Governments come forward—I understand the Bombay Government is already willing to make some contribution—we will very willingly accept it.

Monuments in Orissa

*340. **Shri Panigrahi:** Will the Minister of **Education and Scientific Research** be pleased to state:

(a) whether any architectural survey work of the temples in Orissa has been conducted;

(b) if so, what is the progress of that survey work; and

(c) whether Government have finalised the list of monuments of national importance in the State?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) No, Sir.

(b) Does not arise.

(c) No, Sir. The work of survey of monuments in Orissa has not been taken up so far.

Shri Panigrahi: I do not know whether the hon. Minister has visited Konarak, but we find specimens there which are of national importance gradually being destroyed. What steps are the Government of India proposing to take to save the temple of Konarak?

Dr. K. L. Shrimali: I recently visited the Konarak temple. It has been declared as a protected monument and Government have spent quite a good deal of money in clearing all the sand with which a part of the temple was covered. Every effort is being made to do the necessary repairs. Already some action has been taken. There was a fear that the dome of the temple might fall down. So we have instructed the engineers and they have put up some structure in order to prevent further deterioration of the temple.

Shri Panigrahi: In view of the large number of monuments of national importance in Orissa, do the Government of India propose to extend more help to the archaeological department in Orissa?

Mr. Speaker: It is a general question.

Shri Thirumala Rao: Is there any proposal to have a survey of the archaeological monuments and ancient remains in Orissa?

Dr. K. L. Shrimali: Government have a scheme to make a survey of all the temples in the country, and

gradually we are taking up one State after another. Orissa also will take its turn.

Shri Rameshwar Tantia: Are Government aware of the undesirable carvings in the Puri temple in Orissa, and if so, whether action is being taken to remove the same?

Dr. K. L. Shrimali: Puri is not a protected monument.

Shri Balarama Krishnaiah: May I know whether Government have finalised a similar list of monuments in the State of Andhra Pradesh, and if so, what steps have been taken to preserve the monuments there, especially those at Nagarjunakonda?

Dr. K. L. Shrimali: The hon. Member has now gone to Nagarjunakonda. I shall request him to give notice.

Mr. Speaker: When we are dealing with a particular matter pertaining to a particular State, I cannot allow enlargement of the question to cover all the States.

Shri Panigrahi: My question is unanswered.

Mr. Speaker: It will always be unanswered. The hon. Member was asking whether there was a proposal to increase the contribution to the archaeological department in Orissa State. I do not know what answer he expects.

Three-Year Degree Course

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341. **Shri Harish Chandra Mathur:**
Shri D. C. Sharma:
Shri Jhulan Sinha:
Dr. Ram Subhag Singh:
Shri Kediyan:

Will the Minister of Education and Scientific Research be pleased to state:

(a) which of the universities have not yet accepted or implemented the scheme of the three-year degree course; and

(b) what are the difficulties of these universities?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) and (b). A statement is laid on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 36].

Shri Harish Chandra Mathur: It is found from the statement that the reasons for which it is not possible for Bombay University to accept this scheme are of a universal and general nature. May I know if these very objections have not been raised by other Universities?

Dr. K. L. Shrimali: No, most of the other Universities have accepted the scheme in principle.

Shri D. C. Sharma: May I know if the Ministry of Education is going to give some grants to the University Grants Commission to give to Universities which are going to adopt the three-year degree course?

Dr. K. L. Shrimali: The Ministry of Education has a scheme for giving grants to the Universities and affiliated colleges for this purpose, but it has still to be finalised.

Shri Bishwanath Roy: May I know whether any State Government has expressed its inability to implement the scheme of three year degree course?

Dr. K. L. Shrimali: Is the hon. Member referring to any particular State?

Shri Bishwanath Roy: Uttar Pradesh, for example.

Dr. K. L. Shrimali: With regard to Uttar Pradesh, I have said that Agra University is the only University which is experiencing special difficulty. Other Universities such as the Allahabad and Lucknow Universities have already accepted the scheme in principle. I have had a discussion with the Education Minister of U.P. recently and he said he was examining the whole thing to see that the

scheme could be implemented in all Universities.

Shri Thirumala Rao: Has the attention of Government been drawn to a recent Press note or some news-item to the effect that the Uttar Pradesh Government is opposed to the scheme because it costs Rs. 12 crores?

Dr. K. L. Shrimali: That is not correct because I have had a discussion with the Education Minister there, and they are examining the whole scheme.

Shri Hem Barua: In view of the fact that the implementation of the three-year degree course depends mostly on remodelling of secondary education, may I know what steps Government have so far taken by way of providing financial aid towards secondary schools?

Dr. K. L. Shrimali: The hon. Member is aware that Government are giving grants to State Governments to improve secondary schools also. Reorganisation of secondary education and University education is interrelated, and we have been making efforts to improve both simultaneously.

Purchase of Hunter Jets

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*343. { **Shri Rameshwar Tantia:** / **Shri D. C. Sharma:**

Will the Minister of Defence be pleased to state:

(a) whether it is a fact that a U.K. firm made public its deal to supply Hunter Jets to India; and

(b) if so, what steps are being taken to stop such premature announcements that may affect India's security?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). After the contract for the supply of Hunter aircraft was actually signed, the Managing Director of the British firm released a brief Press note regarding the contract.

Shri Rameshwar Tantia: May I know if the firm has violated the sale agreement by premature announcement? If so, is the firm going to be put in the black list?

Sardar Majithia: No violation of agreement has taken place.

Shri Joachim Alva: We bought the Mysteres from France and we have now bought the Hawker Hunters from U.K. Before going to purchase the Hawker Hunters, did we enquire of France whether they had the latest super Mysteres?

Sardar Majithia: Yes, we did, and we found that the Hunter was more suitable for our purposes.

Shri Kasliwal: There are Press reports today to the effect that these Hunter jets which are being ferried across to India from England are being prevented from landing in Iraq. May I know how far the reports are true?

Sardar Majithia: Iraq has not cleared them for Habbaniya. That is true, but I should like to say that this will not affect deliveries of the aircraft. It may be delayed by a day or two.

Shri D. C. Sharma: May I know whether the Government of India invited global tenders, wherever aircraft were available, or whether the enquiry was confined to some parts of the globe only?

Sardar Majithia: We do check up which are the aircraft suitable from amongst the aircraft available. The endeavour is to pick out the best that we can possibly get. Therefore, the question of issuing an open tender all over the world does not come in.

Shri Easwara Iyer: In view of the fact that the Iraq Government has refused these aircraft to land there, will the delay affect the training schedule of the I.A.F.?

Sardar Majithia: No, Sir.

Shri Biren Roy: In view of the statement made by the Defence Minister in the Security Council about the partisan attitude of the British Government in regard to the Kashmir question, is it politic or safe to buy such essential equipment of aircraft requirements from Great Britain?

An Hon. Member: Where does it come in?

Sardar Majithia: It is beyond the purview of this question, if I may say so but I would like to repeat again that we are not producing any aircraft of this type in our own country. We have to buy them from outside and we have to make our choice from the aircraft available throughout the world and we make the best choice that we can possibly make.

WRITTEN ANSWERS TO QUESTIONS

Ex-Saurashtra Railway Corruption Case

*338. **Shri T. B. Vittal Rao:** Will the Minister of Home Affairs be pleased to state:

(a) whether any prosecution has been launched against the three officers of *Ex*-Saurashtra Railway involved in the embezzlement of Rs. 13 lakhs; and

(b) if not, the reasons for the delay?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) A prosecution has been launched against certain officers of the Ex-Saurashtra Railway for alleged criminal conspiracy to defraud Government.

(b) Does not arise.

All India Tribal Conference

*344. **Shri Sanganna:** Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 853 asked on the 9th August, 1957 in respect of the All India Tribal Conference held at Koraput in Orissa and state:

(a) whether any decision for carrying out sample survey in various States for finalising the criteria for the definition of Scheduled Tribes has since been taken; and

(b) if so, its nature?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) and (b). The matter is still under consideration.

Sales Tax

*345. **Shri S. M. Banerjee:**
Shri Raghunath Singh:
Sardar Iqbal Singh:

Will the Minister of Finance be pleased to state:

(a) whether a final decision has since been taken to amalgamate Sales Tax with Excise Duty; and

(b) if so, whether this has met the concurrence of the State Governments?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) and (b). The question is still under consideration in consultation with the State Governments.

अफगानिस्तान में भारतीय मुद्रा का

*३४६. **श्री रघुनाथ सिंह :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि अफगानिस्तान के खुले बाजार में भारतीय मुद्रा का मूल्य सरकारी विनिमय दर से लगभग दुगना है ?

वित्त उपमंत्री (श्री बी० आर० भगत) : जी हां । सरकार को इस आशय के समाचार मिले हैं ।

Kerala Education Bill

*347. **Shri V. C. Shukla:** Will the Minister of Home Affairs be pleased to state:

(a) whether numerous representations have been received by the

Central Government against the Kerala Education Bill; and

(b) if so, the action taken thereon?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) Due consideration has been given to them. Similar representations seem to have been made also to the State Government.

Utilisation of Nahar Katiya Gas

*348. **Shri Basumatari:**
Dr. Ram Subhag Singh:

Will the Minister of **Steel, Mines and Fuel** be pleased to state the steps taken so far for the utilization of Natural Gas available in Nahar Katiya in Assam?

The Minister of Mines and Oil (Shri K. D. Malaviya): The utilization of natural gas is still under consideration.

Import of Books

*350. **Shri Tangamani:** Will the Minister of **Finance** be pleased to state:

(a) whether it has come to the notice of Government that importers of books and periodicals find it difficult to clear packets through the foreign Post Office due to the delay in checking by customs authorities; and

(b) if so, the steps taken by Government to reduce inconvenience to the trade?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) There has been no delay on the part of the customs authorities in checking parcels of books and periodicals. Some parcels had, however, been held up for non-production of Import Trade Control licences consequent on the cancellation of the Open General Licence with effect from 1-7-1957. Instructions have since been issued for the clearance of the parcels.

(b) The steps taken by Government to reduce inconvenience to the trade included *inter alia* the following:—

(i) The new Import Trade Control regulations were given publicity.

(ii) The staff in the Postal Appraisement Units was augmented.

(iii) Relaxations were made in the rules regarding issue of licences.

(iv) When it appeared that in spite of the above steps, parcels were held up, the Collectors of Customs were authorised to release consignments of magazines and periodicals without an Import Trade Control licence. This concession has been extended to books also and is admissible upto 31-3-1958

Integration of State Banks

*351. **Shri Damani:**
Sardar Iqbal Singh:

Will the Minister of **Finance** be pleased to state the decision taken by Government on the recommendation of the All India Rural Credit Survey Committee regarding integration of the State-associated banks with the State Bank of India?

The Deputy Minister of Finance (Shri B. R. Bhagat): No decision has been taken as yet.

हिमाचल प्रदेश में प्राथमिक शिक्षा

*३५२. **श्री पद्म देव :** क्या शिक्षा और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश में अनिवार्य प्राथमिक शिक्षा कब से चालू होगी; और

(ख) उसे अब तक न आरम्भ करने के क्या कारण हैं ?

शिक्षा और वैज्ञानिक गवेषणा मंत्रालय में राज्य मंत्री (डा० का० ला० श्रीमाली) : (क) तथा (ख). एक विवरण सभा पटल पर रख दिया गया है [देखिये परिशिष्ट II, अनुबन्ध सं० ३७]

हिमाचल प्रदेश सचिवालय में आग

*३५३ { श्री बाजपेयी. श्री आसर.

क्या गृह-कार्य मंत्री १२ सितम्बर, १९५७ के तारांकित प्रश्न संख्या १७२५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि हिमाचल प्रदेश सचिवालय में लगी आग के कारणों की जांच का कार्य पूरा करने और अपराधियों को दंड देने की दिशा में इस बीच क्या प्रगति हुई है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री दातार) : पंजाब सरकार ने सूचित किया है कि आग जान बूझ कर लगाई गई थी किन्तु किसी व्यक्ति या व्यक्तियों के विरुद्ध पर्याप्त प्रमाण न मिलने के कारण फिलहाल इस मामले को 'पता नहीं लगा' माना गया है ।

Banaras Hindu University

*354. **Shri Awasthi**: Will the Minister of **Education and Scientific Research** be pleased to refer to the reply given to Starred Question No. 1470 on the 4th September, 1957 and state:

(a) whether the Committee appointed by the Visitor of the Banaras Hindu University to enquire into the affairs of the University, has submitted its report;

(b) if so, whether a copy of the Report will be laid on the Table;

(c) if the reply to part (a) above be in the negative, when the Committee is expected to submit its report; and

(d) the reasons for the delay?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) No, Sir.

(b) Does not arise.

(c) and (d). No definite date can be indicated for the submission of the report by the Committee, as the enquiry is still in progress.

World Bank

*355. **Sardar Iqbal Singh**: Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No. 333 on the 24th May, 1957 and state what agreements have since been reached with the World Bank for the grant of loans?

The Deputy Minister of Finance (Shri B. R. Bhagat): The World Bank have since sanctioned three loans:

(1) A loan of $ 9·8 million for the Tata Hydro Agencies' Thermal Station at Trombay.

(2) A loan equivalent of $ 90 million for the development programme of the Indian railways.

(3) A loan of $ 32.5 million for the expansion programme of Tata Iron & Steel Company Limited.

Nagarjunakonda Excavations

*356. **Shri M. V. Krishna Rao**: Will the Minister of **Education and Scientific Research** be pleased to refer to the reply given to Starred Question No. 37 on the 21st March 1957 and state:

(a) the results achieved so far in the excavation work undertaken at Nagarjuna Konda in Andhra Pradesh;

(b) whether Government have any proposal to construct archaeological museum at Nagarjuna Sagar; and

(c) if so, the details thereof?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) A statement is laid on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 38].

(b) It has been decided to construct a museum on the hill-top at Nagarjunakonda, not at Nagarjunasagar.

(c) Attention is invited to my reply to part (b) of the Starred Question No. 37 on 21-3-1957. No further details regarding the construction of the Museum have since been finalised.

Magnesite

*357. { **Shri Shree Narayan Das:** **Shri Radha Raman:**

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether the proposal regarding the formation of a corporation for the exploitation of magnesite in Salem has been finalised;

(b) if so, the precise nature of the scheme adopted;

(c) whether there will be any private participation to any extent; and

(d) if so, the nature and extent of such participation?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) No, Sir.

(b) to (d). Do not arise.

Technical Co-operation Mission Aid

*358. { **Shri Subodh Hasda:** **Shri R. C. Majhi:**

Will the Minister of **Education and Scientific Research** be pleased to state:

(a) whether the proposals for the expansion and development of technical education in India under the T. C. M. (Point Four Programme), have been finalised for the year 1958; and

(b) if so, the details thereof?

The Deputy Minister of Education and Scientific Research (Shri M. M. Das): (a) Not yet, Sir.

(b) The details are still being worked out.

वनस्पति

*३५९. **श्री नवल प्रभाकर :** क्या शिक्षा और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि वनस्पति घी म रंग मिलाने के लिये उचित रंग की खोज स्थगित कर दी गई है; और

(ख) यदि हा, तो इस का क्या कारण है ?

शिक्षा और वैज्ञानिक गवेषणा उपमंत्री (श्री म० मो० दास) : (क) जी नही ।

(ख) प्रश्न नही उठता ।

Neiveli Thermal Power Station

*360. { **Shri T. B. Vittal Rao:** **Shri S. V. Ramaswami:** **Shri Narasimhan:**

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether orders for the supply of plant and equipment for the installation of thermal power station at Neiveli have been placed;

(b) if so, from which countries they are to be imported; and

(c) the value thereof in Indian currency?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) to (c). According to the Agreement concluded on the 9th November, 1957 between the Government of India and the Government of the U.S.S.R., the plant and equipment for the Neiveli Thermal Power Station will be supplied by the Government of the U.S.S.R. In view of the increase in the capacity of the Power Station from 2,11,000 KW to 2,50,000 KW, the value of the equipment will be estimated afresh. According to the old estimates the cost of the Plant worked out at about Rs. 21·62 crores.

Common Police Reserve Force for Southern Zone

*361. **Dr. Ram Subhag Singh:**
Shri Raghunath Singh:
Shri Bibhuti Mishra:
Shri Tangamani:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether the States of the Southern Zone have agreed to have a common police reserve force for that zone;

(b) if so, outline of the proposal; and

(c) whether a common police reserve force will also be introduced in other zones?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The Southern Zonal Council discussed the matter at the meeting held on September 28, 1957 and decided that it may be examined by a committee consisting of the Inspectors General of Police of the States within the zone and the Mysore State.

(c) The matter is for the Zonal Councils to consider.

Coal Mining

*362. **Shri Raghunath Singh:** Will the Minister of **Steel, Mines and Fuel** be pleased to state whether it is a fact that the private sector of India is getting U.S. aid from U.S. economic development fund for the development of coal mining in India?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): No, Sir.

Bye-Elections

*363. **Shri Bibhuti Mishra:** Will the Minister of **Law** be pleased to refer to the reply given to Starred Question No. 1210 on the 27th August, 1957 and state the progress made in regard to holding of bye-elections to the State Legislative Assemblies and Lok Sabha upto 31st October, 1957?

The Minister of Law (Shri A. K. Sen): Seven Assembly seats and two Lok Sabha seats have been filled by bye-elections upto the 14th November, 1957, since the reply to Starred Question No. 1210 on the 27th August, 1957.

Limestone deposits in Mikir Hills

*364. **Shri Basumatari:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether any steps are being taken to conduct a survey in Mikir Hills for limestone; and

(b) if so, the estimated quantity of limestone reserves there?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) It is proposed to make a detailed investigation during the current field season October to April.

(b) As a result of a preliminary investigation carried out by the Geological Survey of India in 1947-48, the reserves of limestone were estimated at about 85 million tons. This figure may have to be revised on completion of this field season's work.

Foreign Shipping Companies

*365. **Shri H. N. Mukerjee:** Will the Minister of **Finance** be pleased to lay a statement on the Table showing:

(a) the amount of freight paid to foreign shipping interests for the carriage of Indian imports and exports in 1954-55, 1955-56 and 1956-57;

(b) the amount of freight paid to such interests for the import of food during 1954-55, 1955-56 and 1956-57; and

(c) what attempts have been made so far to minimise foreign exchange depletion on these counts?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) and (b). A statement giving the information is laid on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 39].

(c) Steps have been and are being taken to expand Indian tonnage to the maximum extent possible under the First and Second Five Year Plans.

Zoological Survey of India

*366. **Sardar Iqbal Singh:** Will the Minister of **Education and Scientific Research** be pleased to refer to the reply given to Starred Question No. 334 on the 24th May, 1957 and state:

(a) whether the proposal for shifting of the Headquarters of the Zoological Survey of India from Calcutta has been considered; and

(b) if so, the decision taken thereon?

The Deputy Minister of Education and Scientific Research (Shri M. M. Das): (a) Yes, Sir.

(b) The proposal has been put in abeyance.

Refinery Location Committee

*367. **Shri Shree Narayan Das:**
Shri Radha Raman:

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether the report of the Refinery Location Committee has been finally considered;

(b) if so, the nature of decision taken; and

(c) if not, the stage of its consideration?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) to (c). The report of the Refinery Location Committee is still under consideration of the Government.

रोलिंग मिलें

३६८. **श्री रघुनाथ सिंह :**
श्री हेम राज :
श्री बलबीत सिंह :

क्या **इस्पात, खान और ईंधन** मंत्री यह बताने की कृपा करेंगे कि :

(क) सरकार कितने रोलिंग मिलों को नये लाइसेन्स देने का विचार कर रही है;

(ख) राज्य सरकारों ने कितनी मिलों के लिये केन्द्रीय सरकार को इस सम्बन्ध में अपनी सिफारिशें भेजी हैं, और

(ग) इनकी स्थिति के बारे में किन-किन मुख्य बातों पर विचार किया जायेगा ?

इस्पात, खान और ईंधन मंत्री (सरदार स्वरण सिंह): (क) तथा (ग). संकल्प संख्या पी० एल० जी० बी० ५५(३३), तारीख १३ नवम्बर, १९५७ को एक प्रतिलिपि सभा पटल पर रखी जाती है, जिसमें बिजली की भट्टियों, इस्पात ढलाई घरों, इस्पात रोलिंग मिलों की रिपोर्ट पर सरकार का निर्णय मौजूद है [**देखिये परिशिष्ट II, अनुबन्ध सं० ४०**] व्यक्तिगत प्रार्थनापत्रों पर सरकार इसी निर्णय के अनुसार विचार करेगी।

(ख) नहीं।

Displaced Persons in Tripura

469. Shri Dasaratha Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) whether there are a large number of displaced persons who have entered Tripura with Passports and have been living in Tripura for more than six months; and

(b) whether such displaced persons can be registered as citizens of India?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b) Displaced persons come

to India on the strength of migration certificates. Those who enter on passports are not displaced persons. The latter portion of part (a) and part (b) of the Question do not, therefore, arise.

Smuggling of Watches

470. Shri Raghunath Singh: Will the Minister of Finance be pleased to state:

(a) how many smuggled foreign watches have been recovered during 1957 so far;

(b) how many cases have been launched in this connection; and

(c) how many foreigners and Indians were involved in these smuggling cases?

The Minister of Finance (Shri T. T. Krishnamachari): (a) Seven thousand six hundred and sixty four smuggled foreign watches were seized by the Customs authorities during 1957 (January to October, 1957).

(b) One hundred and three prosecutions were launched in this conneotion.

(c) Thirty two foreigners and 131 Indians were involved in these smuggling cases.

वैज्ञानिक संस्थायें

४७१. **पंडित ध्या० प्र० ज्योतिषी**: क्या शिक्षा और वैज्ञानिक गवेषणा मंत्री ३० जुलाई, १९५७ के अतारांकित प्रश्न संख्या २७६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) प्रथम पंचवर्षीय योजना काल में सरकारी सहायता-प्राप्त किस-किस वैज्ञानिक संस्था ने विभिन्न क्षेत्रों में प्रयोग किये ;

(ख) वे क्षेत्र कौन से हैं और किस प्रकार के प्रयोग किये गये ;

(ग) वैज्ञानिकों को कौन-कौन से तथ्य उपलब्ध हुये ; और

(घ) इन गवेषणाओं से उपलब्ध तथ्यों को उपयोग में लाने के लिये सरकार ने क्या कार्यवाही की है ?

शिक्षा और वैज्ञानिक गवेषणा उपमंत्री (श्री म० मो० दास) : (क) से (घ). इस सम्बन्ध में सूचना एकत्रित की जा रही है और प्राप्त होते ही सभा पटल पर रख दी जायेगी ।

उमरेर की खनिज सम्पत्ति

४७२. **पंडित ध्या० प्र० ज्योतिषी**: क्या इस्पात, खान और ईंधन मंत्री १७ जुलाई, १९५७ के तारांकित प्रश्न संख्या १०६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) उमरेर तहसील की खनिज सम्पत्ति के उपयोग के बारे में बम्बई सरकार से हुई वार्ता का क्या परिणाम निकला ; और

(ख) क्या सरकार का उक्त क्षेत्र में खनन-कार्य आरम्भ कराने के लिये शीघ्र कार्यवाही करने का विचार है ?

खान और तेल मंत्री (श्री केशव देव मालवीय) : (क) तथा (ख). भारतीय भूगर्भीय सर्वक्षण विभाग ने १९५६–५७ में इस क्षेत्र में विस्तृत खोज का कार्य किया । यह कार्य १९५७–५८ के क्षेत्र में काम करने के समय में जारी रखा जायेगा । जब तक कि खोज का कार्य समाप्त नहीं हो जाता, तब तक राज्य सरकार के परामर्श से यह निर्णय करना, कि खनन का कार्य शुरू करना चाहिये या नहीं, सम्भव नहीं है ।

Houses for Scheduled Castes

473. { **Shri N. R. Munisamy:**
Shri H. C. Sharma:

Will the *Minister of* **Home Affairs** be pleased to state:

(a) the targets fixed for the construction of houses in various States for the Scheduled Castes and Scheduled Tribes (separately) during the Second Five Year Plan; and

(b) how the expenditure is to be shared by the Centre and the States?

The Deputy Minister of Home Affairs (Shrimati Aiva): (a) Two separate statements for the State and the Central Sectors of the Plan are laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 41].

(b) The expenditure in respect of schemes included in the State sector is shared on 50:50 basis, except for the schemes in the autonomous districts of Assam where the entire expenditure is met by the Centre.

The Centrally sponsored schemes are financed by the Government of India on cent per cent basis.

Foreign Languages

474. **Shri Shree Narayan Das:** Will the *Minister of* **Education and Scientific Research** be pleased to state:

(a) whether the scheme for encouraging the study of foreign languages by Indian Nationals has fulfilled its objective;

(b) if so, the number of scholars who have been sent to foreign countries under the scheme;

(c) how many of them have completed their full term of study;

(d) how many of them were allowed to study for more than the stipulated period; and

(e) whether the scheme is being continued?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) Yes Sir.

(b) 66.

(c) 38 so far.

(d) 16 so far.

(e) The question regarding the continuance of the scheme for the year 1957-58 and onwards is under consideration.

दुर्लभ हस्तलिखित ग्रन्थ

४७५. { श्री श्री नारायण दास:
श्री राघारमण:
श्री विभूति मिश्र:
सरदार इकबाल सिंह:

क्या शिक्षा और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत सरकार ने सभी व्यक्तियों और संस्थाओं से इस आशय की अपील की है कि यदि उनके पास कोई दुर्लभ हस्तलिखित ग्रन्थ हों तो वे उन्हें सरकार को दानस्वरूप दे दें ;

(ख) यदि हां, तो इस अपील के फलस्वरूप सरकार को अब तक कितने और किस प्रकार के हस्तलिखित ग्रन्थ प्राप्त हुये हैं ;

(ग) ऐसे कितने ग्रन्थ हैं जिन्हें व्यक्ति विशेष या संस्थायें दान न देकर सरकार को बेचना चाहती हैं; और

(घ) अब तक कितने ऐसे ग्रन्थ और किस मूल्य पर खरीदे गये हैं ?

शिक्षा और वैज्ञानिक गवेषणा मंत्रालय में राज्य मंत्री (डा० डा० डा० श्रीमाली) : (क) जी, हां ।

(ख) से (घ) अभी तक कोई नहीं ।

Judges of Punjab High Court

478. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of judges who have been working in the High Court of Punjab since November, 1956;

(b) the number of cases pending in the High Court at present;

(c) whether any proposals have been made by the State Government to appoint more judges;

(d) if so, how many judges are proposed to be appointed; and

(e) the reasons for the delay in this regard?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Ten Judges worked on the Bench of the Punjab High Court from 1st November 1956, to 4th August, 1957; twelve Judges worked from 5th August to 9th October, 1957; 14 Judges worked from the 10th October to 25th October, 1957 and 13 Judges have been working since that date.

(b) 14,655 cases were pending in the High Court on 1st November, 1957.

(c) Yes.

(d) Two more Additional Judges are proposed to be appointed shortly.

(e) Two temporary posts of Additional Judges were sanctioned recently and there has occurred no delay in this regard.

Removal of Untouchability in Punjab

478. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Punjab State Government was asked to maintain a list of villages, where untouchability is practised in one form or another in order to assess the progress achieved in its removal;

(b) if so, whether the State Government has already submitted its report to the Central Government; and

(c) the progress achieved in this respect?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) This was one of the recommendations made by the Commissioner for Scheduled Castes & Scheduled Tribes in his report for 1951 and was accepted by the State Government.

(b) and (c). The report received from the State Government in this connection is incomplete.

Removal of Untouchability in Punjab

479. { Shri D. C. Sharma: / Sardar Iqbal Singh:

Will the Minister of **Home Affairs** be pleased to state:

(a) the amount spent by the Punjab Government out of the allocation made for the purpose of removal of untouchability during 1956-57;

(b) the items on which it was spent; and

(c) the results achieved therefrom?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) to (c). The information is being gathered and will be laid on the Table of the Lok Sabha as soon as received.

Welfare of ex-Criminal Tribes in Punjab

480. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) the amount sanctioned by the Government of India as grant-in-aid to the State of Punjab for the welfare of the ex-criminal tribes of Punjab in the year 1956-57; and

(b) whether the whole amount was utilised for the purpose?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Rs. 1,71,000/-.

(b) Only Rs. 89,344/- could be utilised for the purpose.

Mysore High Court

481. Shri Keshava: Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 160 on the 22nd July, 1957 and state:

(a) whether appointment of additional Judges as proposed for the High Court of Mysore has been made;

(b) if not, reasons therefor; and

(c) what proportion of the Judges is from outside Mysore?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). Yes, two more Judges have since been appointed to the Bench of the Mysore High Court. Proposals for the appointment of yet another Judge are awaited.

(c) One out of seven Judges is from outside the Mysore State.

Centenary of First War of Independence

482. Shri Keshava: Will the Minister of **Home Affairs** be pleased to state:

(a) the total expenses incurred by the Central Government towards the celebration of the Centenary of the First War of Independence;

(b) whether Government have published any books in this connection; and

(c) if so, what are they?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) According to the general decision taken by the Central National Committee which was set up under the Chairmanship of the Vice-President to organise the celebrations, each Ministry administratively concerned with the particular item of celebration was required to meet the expenses out of its own budget. A sum of Rs. 95,000 was specially sanctioned to meet expenditure on celebrations organised by the Delhi Administration and certain other items with which no particular Ministry was concerned.

(b) and (c). The publications so far brought out by the Publications Division of the Ministry of Information and Broadcasting are:—

(i) "Eighteen Fifty Seven" by Dr. S. N. Sen.

(ii) Hindi translation of the above;

(iii) An album containing photographs, sketches etc. of persons and places connected with the 1857 Struggle for Freedom.

'Wealth of India' Series

483. Shri Subodh Hasda:
Shri R. C. Majhi:

Will the Minister of **Education and Scientific Research** be pleased to state:

(a) the total expenditure incurred by the Council of Scientific and Industrial Research for the publication of the 'Wealth of India' Series;

(b) the number of volumes that have been published already and the number yet to be published;

(c) the objects and the contents of the Series; and

(d) the approximate date when the publication is likely to be completed?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) Rs. 1,75,000/-.

(b) 4 volumes on natural raw materials and 3 volumes on industrial resources have been published. Six more volumes on Raw-materials and 7 more volumes on Industrial Products have yet to be published.

(c) The object is to bring into one encyclopaedic compendium all available information on India's natural raw materials and industrial resources. The contents would include information on all natural resources, plant, animal and mineral and also processed or manufactured material.

(d) By the end of 1962.

National Museum Building

484. { **Shri S. C. Samanta:** / **Shri Subodh Hasda:**

Will the Minister of **Education and Scientific Research** be pleased be state:

(a) the progress made in the construction of the National Museum building;

(b) the amount of expenditure incurred on it up to date; and

(c) the approximate date when the Museum will be shifted to its own building?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) 65% of the first phase of the building work has been completed.

(b) Rs. 20,80,376/- till 30-9-57.

(c) The process of shifting the Museum to the new building has already started and is expected to be completed by the end of the next year.

India Office Library

485. { **Shri Barman:** / **Shri S. C. Samanta:**

Will the Minister of **Education and Scientific Research** be pleased to lay a statement on the Table showing complete list of physical assets of the India Office Library at London?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): A statement indicating the information available with Government is laid on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 42].

Institute of Metallurgists, London

486. **Shri Barman:** / **Shri S. C. Samanta:**

Will the Minister of **Education and Scientific Research** be pleased to state:

(a) whether the Institute of Metallurgists, London, is holding examinations in India for the last few years;

(b) if so, details about (i) examination centres (ii) number of students appearing in the examinations (iii) the Degree, Diploma or Certificate given by the Institute etc.; and

(c) the standard of the examination held by the Institute in comparison with the different technical examinations in the country?

The Deputy Minister of Education and Scientific Research (Shri M. M. Das): (a) to (c). A statement giving the required information is laid on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 43].

Industrial Research

487. { **Shri Barman:** / **Shri S. C. Samanta:**

Will the Minister of **Education and Scientific Research** be pleased to state:

(a) whether it is a fact that the Council of Scientific and Industrial Research has invented new processes for the manufacture of:

(i) manganese sulphate from indigenous materials; and

(ii) copper oxide by a new process;

(b) if so, the importance of the inventions from point of view of commercial and foreign exchange; and

(c) what steps are proposed to be taken for their large-scale manufacture?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) Processes on (i) "Manganese Sulphate from Indian Ores" and (ii) "Electrolytic Cuprous Oxide" have been developed at the Central Electro-Chemical Research Institute, Karaikudi, of the Council of Scientific and Industrial Research.

(b) There are some possibilities of exporting Manganese Sulphate to foreign countries if production costs are low. There appear no possibilities of export of Cuprous Oxide.

The full implications of possible savings in foreign exchange by indigenous production will be known only when commercial production is established.

(c) The process 'Electrolytic Cuprous Oxide has been leased out to Industry for commercial exploitation. Negotiations for commercial development of the process 'Manganese Sulphate from Indian Ores' are in progress.

ताजमहल

४८८. **श्री नवल प्रभाकर :** क्या शिक्षा और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि :

(क) ऐतिहासिक ताजमहल की मरम्मत में साधारणतया कितने कारीगर लगे रहते हैं ; और

(ख) इन कारीगरों पर मासिक कितना व्यय किया जाता है ?

शिक्षा और वैज्ञानिक गवेषणा मंत्रालय में राज्य मंत्री (डा० का० लो० श्रीमाली) : (क) ३।

(ख) ३२५ रुपये ।

Gardens for the Blind

489. Shri Heda: Will the Minister of **Education and Scientific Research** be pleased to state:

(a) whether Government have any scheme to start gardens for the Blind on the lines of M. N. Banaji Industrial House for Blind, Jogeshwari, Bombay; and

(b) what other novel schemes are under consideration of Government for the benefit of blind, deaf and dumb?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) No. Sir.

(b) A statement showing the schemes for the education and welfare of the blind and the deaf and dumb is laid on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 44.]

Land Requisition in Delhi

490. Shri Heda: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that a deputation on behalf of residents of village Basaidarapur waited recently on the Home Minister;

(b) whether any settlement has been reached between the parties concerned regarding payment of compensation to the villagers whose land has been acquired; and

(c) if not, the reasons for the delay?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) and (c). The matter has, it is understood been amicably settled between the parties concerned.

धार्मिक अध्यापक

४९१. **श्री भक्त दर्शन** : क्या प्रतिरक्षा मंत्री २९ नवम्बर, १९५६ के तारांकित प्रश्न संख्या ५९३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पादरियों तथा अन्य धार्मिक अध्यापकों के वेतन समान कर दिये जाने के बाद यह मांग की गई है कि सभी वर्गों के धार्मिक अध्यापकों के वेतन-क्रम ऊंचे कर दिये जायें; और

(ख) यदि हां, तो इस मांग के सम्बन्ध में क्या निर्णय किया गया है?

प्रतिरक्षा उपमंत्री (सरदार मजीठिया) : (क) तथा (ख) ऐसी कोई मांग नहीं की गई परन्तु कई जगहों से प्रस्ताव किया गया है कि धार्मिक अध्यापकों के वेतन की दरों समेत उनकी सेवा की शर्तों और नियमों का संशोधन किया जाना चाहिये। नियुक्त किए गए नये पे कमीशन की सिफारिशों के प्राप्त होने पर इस मामले का निरीक्षण करने का विचार किया गया है।

भौमिकी तथा खनन निदेशालय, उत्तर प्रदेश

४९२. **श्री भक्त दर्शन** : क्या इस्पात, खान और ईंधन मंत्री ३१ अगस्त १९५६ के तारांकित प्रश्न संख्या १६१३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) उत्तर प्रदेश में भौमिकी तथा खनन निदेशालय ने मई, १९५६ से अब तक जो कार्य किया क्या उसकी रिपोर्ट भारत सरकार को प्राप्त हो गई है;

(ख) यदि हां, तो क्या उस रिपोर्ट का सारांश सभा पटल पर रखा जायेगा;

(ग) इस कार्य में भारत सरकार के भूतत्वीय सर्वेक्षण विभाग द्वारा क्या सहयोग दिया गया; और

(घ) भारत सरकार ने इस कार्य में उत्तर प्रदेश सरकार को क्या सहायता दी?

खान और तेल मंत्री (श्री के० डे० मालवीय) : (क) और (ख) मई १९५६ से मई १९५७ तक "भौवृत्तिकी तथा खनि निदेशालय" उत्तर प्रदेश ने जो कार्य किये उनकी रिपोर्ट भारत सरकार को मिल गई है। प्राप्त रिपोर्ट का सारांश इस प्रकार है :—

अवधि	स्थान	खोज की किस्म	विशेष कथन
१	२	३	४
अप्रैल से जून १९५६	लम्गीयानी, सतबंगा, रामगढ़, हजारीबां में नाथूखान कलाडुंगी, कोटाबाग, धनपुर, पोखारी, मोहनखाल और कंदारो, मंडवाल और देहरादून	कच्चा लोहा, तांबा और अदह पदार्थों (asbestos) की खोज	मिडलैंड एस्टेट के समीप फास्फेट चट्टानों की मानचित्रकारी। कच्चे लोहे के नमूने विश्लेषण के लिये इकट्ठे किये गये।

१	२	३	४
जुलाई से अगस्त १९५६	गरब्यंग गांव, अल्मोड़ा पट्टीस चन्दपुर, बिचला नागपुर और तल्ला-कालीफाट, गढ़वाल और मसूरी	गरब्यंग गांव की समाप्ति के कारण, चूनापत्थर और खड़िया मिट्टी से सम्बन्धित जानकारियां इकट्ठी करना।	उद्योग में उपयोग करने के लिये खड़िया मिट्टी के भण्डारों पर विस्तृत रिपोर्ट की पूर्ति। गरब्यंग गांव के पुनः आवास के लिये नये स्थान का निरीक्षण किया गया। यह सिफारिश की गई कि गरब्यंग के गांव वालों को स्थायी रूप से स्थान बदल लेना चाहिये।
सितम्बर १९५६	--	--	क्षेत्र में कोई काम नहीं किया गया। विभाग क्षेत्र की रिपोर्ट तैयार करने में व्यवस्त रहा।
अक्टूबर १९५६[1]	देहरादून	क्षेत्र में काम	नैनीताल जिले में कालाढुंगी और दचौरी के कच्चे लोहे के भू-भंडारों संबंधी रिपोर्टों की पूर्ति। अल्मोड़ा जिले में धिरौली और डुंगीधर के तांबा भण्डार।
नवम्बर १९५६	टुपी में कर्वाणी गांव के समीप बारकोट और ऋषिकेश, नीलागढ़, मलगाव और बिरखाल, अल्मोड़ा	मिडलैंड एस्टेट के समीप, चूनापत्थर और फास्फेट चट्टानों की खोज, लोहा और मिट्टी	केलासीय (crystalline) चूनापत्थर के नमूनों का एकत्रण। चपान के समीप ओबरा,

१	२	३	४
			गुधी तहसील में कर्बाणी और गांव बन्सी के समीप कुछ स्थानों पर मिट्टी के भूभंडार खोजे गये। विस्तृत विश्लेषण के लिये नमूनों का एकत्रण और मानचित्रकारी।
दिसम्बर १९५६.	बारकोट और गोरापट्टी की पहाड़ियां, देहरादून, नीलकान्त, टोली और भागसी, गढ़वाल, बन्सी, मिर्जापुर, जूखागी, अल्मोड़ा।	चूनापत्थर, सेलखड़ी, मिट्टी और मैग्नेजाइट भूभंडारों की खोज	विश्लेषण के लिये नमूनों का एकत्रण और मानचित्रकारी।
जनवरी, १९५७ .	महीपुर और सेरा तेहरी गढ़वाल, नीलकान्त गढ़वाल बन्सी, मिर्जापुर।	चूनापत्थर और मिट्टी के भूभंडारों और खड़िया मिट्टी की खोज।	विश्लेषण के लिये चूनापत्थर और नमूनों का एकत्रण और मानचित्रकारी। यह अनुमान लगाया गया है कि २८·२ मिलियन टन चनापत्थर बारकोट तथा २८·४ नीलकान्त से प्राप्त है। बन्सी क्षेत्र में लगभग ७ मिलियन टन सफेद और पीली मिट्टी की संचित मात्रा है।
फरवरी, १९५७ .	गोरा पट्टी, देहरादून, बन्सी और मिला, मिर्जापुर सेरा रंगारा गांव और छपलगी टिहरी गढ़वाल निंधा।	चूनापत्थर, खड़िया मिट्टी और मिट्टी, संगमरमर की खोज।	नमूनों का एकत्रण और मानचित्रकारी।

१	२	३	४
मार्च १९५७ .	गोरापट्टी, देहरादून, टोन्ली और भाडसी गाव, गढ़वाल, कोटा मिर्जापुर, पिथोरागढ़, अल्मोड़ा ।	चूनापत्थर, अदहपदार्थ, गंधक, सीसा, खड़िया मिट्टी और सेलखड़ी की खोज ।	चूनापत्थर भूभंडारों पर किये जाने वाले कार्य को जारी रखना और नमूनों का एकत्रण ।
अप्रैल १९५७ .	नीलकान्त, बारकोट, देहरादून, कोटा मिर्जापुर, पिथोरागढ़, अल्मोड़ा । कांगड़ा और सरसाल गांव, सूताल के समीप तारा चाक में नन्द प्रयाग, पीपलकुटी, गढवाल के समीप दयून और जमिन गांव ।	चूनापत्थर, सेलखड़ी मैग्नेजाइट, गंधकअदह और पारे की खोज	चूनापत्थर, सेलखड़ी और मैग्नेजाइट पर कार्य जारी रखना । विश्लेषण के लिये नमनों का एकत्रण । पारे के भूभंडार वर्षा या झरने के पानी द्वारा एकत्रित किये हुए लाइमुनीटिक कोटिंग (limunitic coatings) हैं । नीलकान्त नामक स्थान से प्राप्त चूनापत्थर के नमूनों में सिलिका (silica) की उच्च मात्रा देखी गई ।
मई, १९५७ .	हाथीपांव, बारकोर, देहरादून, कोटा, मिर्जापुर गोरन्देश, अल्मोड़ा के चारों तरफ की पहाड़ियों में, केदारनाथ, बद्रीनाथ नन्दाकिनी, गढ़वाल ।	चूनापत्थर, सेलखड़ी, मैग्नेजाइट, गंधक और अदह पदार्थ का अन्वेषण ।	विस्तृत विश्लेषण के लिये नमूनों का एकत्रण और मानचित्रकारी ।

(ग) तथा (घ). उत्तर प्रदेश निदेशालय पहले किये हुए कार्य, और भारतीय भूगर्भीय सर्वेक्षण विभाग द्वारा की हुई सिफारिशों के आधार पर अपना भूगर्भीय कार्य जारी रख रहा है। उत्तर प्रदेश सरकार द्वारा प्रशिक्षित भौमिकी शास्त्रज्ञ (geologist) के विषय में मदद के लिये की हुई विशेष प्रार्थनाओं पर भारत सरकार अपने कायदों के अनुसार सहानुभूति पूर्वक विचार करती है ।

Police Housing Schemes

493. { **Shri I. Eacharan:** / **Shri Panigrahi:**

Will the Minister of **Home Affairs** be pleased to state:

(a) the amount allotted to each State for Police Housing Schemes; and

(b) the number of quarters proposed to be constructed each year for police constables?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) A statement is placed on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 45.]

(b) The required information is not available with the Government of India.

Loans to Industrial Co-operatives

494. { **Shri Morarka:** / **Shri Nathwani:**

Will the Minister of **Finance** be pleased to state:

(a) the total loans granted by the Industrial Finance Corporation to the Industrial Co-operatives;

(b) how many of such co-operatives have started their industries; and

(c) whether any of these co-operatives have failed to pay the interest or its instalments?

The Minister of Finance (Shri T. T. Krishnamachari): (a) Rs. 10,72,50,000.

(b) Eight.

(c) The only default has been a delay of two days on the part of one Society in paying the interest.

Industrial Finance Corporation

495. { **Shri Morarka:** / **Shri Nathwani:**

Will the Minister of **Finance** be pleased to state:

(a) the names of the industrial concerns who have defaulted in repayment of the instalments of loans granted by the Industrial Finance Corporation or the amount of interest due;

(b) the amount involved therein; and

(c) the action taken or proposed to be taken against the parties concerned?

The Minister of Finance (Shri T. T. Krishnamachari): (a) It will not be in the public interest to disclose the names of these concerns. However, the number of such concerns is 13.

(b) The amount involved in such default as on 30th June 1957 is as under:—

(i) Interest	Rs. 9,84,681.38 nP.
(ii) Instalments of Principal	Rs. 25,05,658.74 nP.
Total	Rs. 34,90,340.12 nP.

(c) Out of the 13 defaulting concerns, the assets of 5 were taken possession of by the Industrial Finance Corporation of India. Of these 5, the assets of 2 were sold, and one was leased out as a going concern, and negotiations are underway for the lease of assets of one company and for reconstruction of the remaining one.

Out of the 8 other concerns, 5 have since paid the amount in default. Of the remaining 3 concerns, one has agreed to pay to the Corporation the amount in default according to an agreed arrangement, action was taken in respect of one concern under Section 30 of the Industrial Finance Corporation Act, 1948, and it is proposed to transfer the assets of another concern to a co-operative Society.

Rifle Factory, Ichapore

496. Shri S. M. Banerjee: Will the Minister of **Defence** be pleased to state:

(a) the number of Rifles produced monthly in Rifle Factory, Ichapore; and

(b) whether production of Rifles in this Factory is sufficient to meet the requirement of the Armed Forces,

Navy, Air Force, Provincial Armed Constabulary and Police?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). It will not be in the public interest to furnish the information asked for.

अफगान और भारतीय राष्ट्रजन

४९७. **श्री रघुनाथ सिंह:** क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि भारत और अफगानिस्तान में इस समय क्रमशः कितने अफगानी और भारतीय राष्ट्रजन निवास कर रहे हैं?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री दातार): ३१-१२-१९५६ को भारत मे अफगानी राष्ट्रजनों की संख्या ५,६८६ थी। अफगानिस्तान में ३७२ भारतीय हैं। इन आंकड़ों में बच्चे भी शामिल हैं।

Smugglers

498. Shri Raghunath Singh: Will the Minister of **Finance** be pleased to state how many smugglers have been killed on the borders of India since September 1957 while attempting to enter the Indian territory?

The Minister of Finance (Shri T. T. Krishnamachari): Between the period from 1st September, 1957 to 31st October, 1957, five smugglers were killed on the Land Customs borders of India while attempting to enter into Indian territoy.

मद्यसार

४९९. **श्री रघुनाथ सिंह:** क्या **शिक्षा और वैज्ञानिक गवेषणा** मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि बंगलौर की भारतीय विज्ञान संस्था ने मद्यसार के उपयोग की एक नई विधि आविष्कृत की है जिसमें मशीनों में होने वाली तेल की खपत ८० प्रतिशत कम हो जायेगी?

शिक्षा और वैज्ञानिक गवेषणा उपमंत्री (श्री म० मो० दास): जी हां। यह सच है कि बंगलौर की भारतीय विज्ञान संस्था ने मद्यसार को डीज़ल इंजन में ईंधन के रूप में प्रयोग करने की एक नई विधि आविष्कृत की है। इस विधि द्वारा डीज़ल में काम आने वाले तेल की जगह ८० प्रतिशत मद्यसार का प्रयोग हो सकता है। इस के अतिरिक्त इंजन पहिले की अपेक्षा ५० प्रतिशत अधिक शक्ति देगा, कार्य कुशलता बढ़ जायेगी तथा इंजन से निकलने वाली गैस भी अधिक साफ होगी। इस विधि पर एक पेटेंट भी प्राप्त कर लिया गया है।

Metal and Steel Factory, Ichapore

500. Shri S. M. Banerjee: Will the Minister of **Defence** be pleased to state:

(a) the quantity of Steel produced per month in the Metal and Steel Factory at Ichapore;

(b) the number of furnaces in this Factory; and

(c) whether all the furnaces are working?

The Deputy Minister of Defence (Sardar Majithia): (a) 1770 tons per month.

(b) Two.

(c) Yes, Sir.

Ordnance Factories

501. Shri S. M. Banerjee: Will the Minister of **Defence** be pleased to state:

(a) the total number of orders outstanding on the Ordnance Factories since 1949; and

(b) how many of these pertain to services and civil trade separately?

The Deputy Minister of Defence (Sardar Majithia): (a) Of the orders placed on Ordnance Factories prior and upto 1949, 292 were outstanding on 1-10-57.

(b) All the above outstandings refer to Service Orders.

Civilian Employees in Jammu and Kashmir

502. Shri S. M. Banerjee: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that the civilian employees employed in the Jammu and Kashmir area have not been granted permanency;

(b) if so, the reason thereof; and

(c) whether any representation has been received on the subject?

The Deputy Minister of Defence (Sardar Majithia): (a) It is presumed that the Honourable Member is referring to locally recruited civilian employees in Defence Establishments in J. & K. It is a fact that they have not been made permanent.

(b) The establishments where these presonnel are employed are themselves of a purely temporary nature and, therefore, no permanent civil posts have been authorised for them. In the absence of permanent posts, the question of confirmation of employees does not arise.

(c) Yes.

World Bank Loan for Tata Iron and Steel Company

503. **Shri Raghunath Singh:**
Shri R. S. Lal:
Shri B. S. Murthy:
Shri T. K. Chaudhuri:

Will the Minister of **Finance** be pleased to state:

(a) the amount of loan secured recently by the Tata Iron and Steel Company from the World Bank and the American Commercial Institutions; and

(b) what are the terms and conditions of the loan?

The Minister of Finance (Shri T. T. Krishnamachari): (a) and (b). The proposal is under consideration of the World Bank and the terms and conditions of the loan have not yet been finalised.

Book "Sarita"

504. Shri A. S. Saigal: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that Government has banned and confiscated all the copies of "Sarita" of the month of July, 1957 from the market due to a controversial article published in it under the heading "Ram Ka Antardwand" written by Arvind Kumar; and

(b) if so, how many copies have been confiscated and taken out of market by the Government?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) The Delhi Administration have by Notification dated 6th August 1957, declared every copy of "SARITA" for July 1957 to be forfeited to Government under Section 99-A Cr. P.C.

(b) 50 (fifty) copies of the magazine were taken into possession by the Delhi Administration.

Burmah Shell Refineries

505. Shri Narayanankutty Menon: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) the gross profits made by the Burmah Shell Refineries Ltd. in the year 1956; and

(b) the total cost of crude oil imported by the Burmah Shell Refineries Ltd. in 1956 and 1957 and the total quantity imported in each year?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). Information regarding profits of the Burmah Shell Refineries Ltd. in the year 1956 are available in the "Directors' Report and Statement of Accounts" for the year 1956 of the Refinery, copies of which have already been placed in the Parliament Library.

Quantity and value of crude oil imported by the Burmah Shell Refineries Ltd. is given below:—

Year	Quantity in tons	Value in Rupees
1956	2,346,527	186,502,935
1957 (upto Sep.)	1,853,265	155,818,737

D.T.S. Buses

506. Shri Rameshwar Tantia: Will the Minister of **Home Affairs** be pleased to state how many D.T.S. buses were challaned by the Delhi Police during 1956 and 1957 for carrying passengers more than the authorised number?

The Minister of State in the Ministry of Home Affairs (Shri Datar): 1956—Nil.

1957 (upto 14-11-57) Challaned....3.

Reported to the D.T.S. authorities for departmental action against the conductors .....26.

Ghasuri Taxes

507. Shri Dasaratha Deb: Will the Minister of **Home Affairs** be pleased to state the nature of steps taken so far or proposed to be taken to bring down the Ghasuri Taxes in Tripura?

The Minister of State in the Ministry of Home Affairs (Shri Datar): Orders have already been issued for the reduction of grazing fees to the rates generally prevailing in Assam and rules are being framed to bring the reduced rates into force.

Medical and Transport Department Employees in Manipur

508. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) how many members of the non-gazetted staff have been suspended or dismissed for misconduct in the Medical and Transport Departments of the Manipur Administration during the last two years; and

(b) who is the competent authority to hear appeals in such cases?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Four members of the non-gazetted staff in the Medical Department and twenty-one in the Transport Department were suspended. Of these one was dismissed from the Medical Department and eleven from the Transport Department.

(b) Chief Commissioner.

Naval Ratings

509. Shri Warior: Will the Minister of **Defence** be pleased to state:

(a) the monthly house rent allowance paid to naval ratings;

(b) the travelling facilities allowed to the naval ratings to return home and come back when on leave; **and**

(c) whether Government are considering any change in the existing conditions?

The Deputy Minister of Defence (Sardar Majithia): (a) No house rent allowance, as such, is paid to Naval ratings However, all married ratings who have rendered 3 years' service from the date of entry and are not provided with married Government accommodation, are paid monetary compensation in lieu of quarters at the following rates:—

Rank	*Rate of MLQ* Rs. p.m.
Chief Petty Officer	16
Petty Officer	6
Leading seamen	2½
Able-bodied/ordinary rating	1

(b) The following facilities are

allowed to the Naval ratings:—

(i) *Conveyance on Annual Leave*

Free conveyance by rail once annually to and from their homes. For journeys by road, free road warrant is issued where Government transport operates; if not, road mileage allowance at the rate of one anna per mile is admissible.

(ii) *Conveyance on other occasions*

While travelling on casual leave or balance of annual leave, concession voucher AFT 1720-A (on payment of half of the fare of the class travelled) is issued.

(c) The question whether certain changes are necessary is under examination.

Development of Khan Baghdad Line Quarters

510. Shri S. M. Banerjee: Will the Minister of Defence be pleased to state:

(a) whether a sum of Rs. 8,000/- was sanctioned by M.E.S. authorities of Agra for the renovation of Khan Baghdad Line Quarters; and

(b) if so, whether these quarters have since been repaired?

The Deputy Minister of Defence (Sardar Majithia): (a) No, Sir.

(b) Does not arise

Charitable Institutions

511. Shri Damani: Will the Minister of Finance be pleased to lay on the Table a statement showing the Charitable Institutions working in India with their capitals and incomes together with place of registration and jurisdiction of operation?

The Minister of Finance (Shri T. T. Krishnamachari): The information is not available.

'Amrutra Santana'

512. Shri Sanganna: Will the Minister of Education and Scientific Research be pleased to refer to the reply given to Starred Question No. 852 on the 13th August, 1957 and state:

(a) whether any efforts have been made to find out translators for translating *Amrutra Santana*, an Oriya novel, into Bengali and Telegu, as these languages are spoken by the *Advasis* of certain areas of the State; and

(b) if so, with what results?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) and (b). In the case of Bengali, one translator had offered to translate 'Amrutra Santana' in an abridged form but the original author did not give permission for such a translation. As regards Telegu, the Sahitya Akademi has already undertaken translation of another Oriya novel named 'Matir Manish'.

Due to a heavy programme of translations in Bengali and Telgu, it has not been possible for the Akademi, for the present, to take up the translations of 'Amrutra Santana' in these two languages.

हिमाचल प्रदेश में स्कूल की इमारतें

५१३. **श्री पद्म देव** : क्या शिक्षा और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हिमाचल प्रदेश में स्कूलों की इमारतें जीर्ण अवस्था में हैं;

(ख) क्या यह सच है कि कोई मालिक या अवेक्षक न होने के कारण पांचवें दर्जे तक के स्कूलों की इमारतें की मरम्मत नहीं की जाती; और

(ग) यदि हां, तो, इस सम्बन्ध में क्या कार्यवाही करने का विचार है ?

शिक्षा और वैज्ञानिक गवेषणा मंत्रालय में राज्य मंत्री (डा० के० एल० श्रीमाली) : (क) से (ग) एक विवरण सभा पटल पर रखा गया है। [देखिये परिशिष्ट २, अनुबन्ध संख्या ४६]

War Damage Compensation

514. Shri L. Achaw Singh: Will the Minister of Defence be pleased to state:

(a) the sum of money paid as war damage compensation for the use of the paddy fields in the following airfields in Mainpur *viz.* Tulihal, Pallel, Koirengei, Angom Lawai, Khomjom and Charangpat respectively in Manipur;

(b) the balance of money still to be paid owing to disputed claims in the respective airfields; and

(c) the amount of compensation money recovered from claimants of the above airfields for excess payments made earlier as compensation for loss of household property and other war damages?

The Deputy Minister of Defence (Sardar Majithia): (a) The amounts of airfields compensation paid are:—

Name of Airfield	*Amount paid* Rs.
Tulihal	7,67,027/2/-
Pallel	1,21,338/-/-
Koirengei	2,64,101/-/-
Angomlawai (Kangla)	71,348/-/-
Khomjom (Sapam)	66,585/-/-
Charangpat (Wangjing)	95,132/-/-
Total	13,85,531/2/-

(b) The total amount still to be paid in respect of all the airfields in Manipur is Rs. 1,06,659/-. The break up of this figure airfieldwise is not available.

(c) The amounts of overpayments recovered are:—

Name of Airfield	*Amount recovered* Rs.
Tulihal	73,075/2/-
Pallel	1,602/-/-
Koirengei	—
Angomlawai (Kangla)	1,635/-/-
Khomjom (Sapam)	3,052/-/-
Charangpat (Wangjing)	—
Total	79,354/2/-

Ganja Plantations

515. Shri L. Achaw Singh: Will the the Minister of Finance be pleased to state:

(a) whether it is a fact that a notice was issued by the Excise Department of Manipur on 20th August, 1957 asking the *ganja* planters to cut down all the unlicensed *ganja* plants which have grown to a sizeable measure;

(b) if so, the number of unlicenced *ganja* plants cut down so far;

(c) whether a tender notice was issued on the 4th October, 1957 for permission to plant 5,000 plants for the year 1957-58 when the plantation season was over; and

(d) if so, the reasons therefor?

The Minister of Finance (Shri T. T. Krishnamachari): (a) to (d). The information asked for is being collected. It will be laid on the Table of the Lok Sabha as soon as it is received.

Tobacco Permits—1

516. Shrimati Parvathi Krishnan: Will the Minister of Finance be pleased to state:

(a) whether any memorandum has been received from tobacco merchants regarding issue of tobacco permit—1; and

(b) if so, the action Government propose to take thereon?

The Minister of Finance (Shri T. T. Krishnamachari): (a) and (b). Yes, Sir. The request regarding relaxation of restrictions imposed on the transport of duty-paid unmanufactured tobacco under T.P.—1 is under the consideration of Government. The decision is likely to be taken shortly and will be communicated to the applicants.

Copper and Asbestos in Andhra

517. Shri Viswanatha Reddy: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether the plan of pilot drilling operations for copper and asbestos in Andhra area proposed by the Indian Bureau of Mines has been stayed; and

(b) if so, the reasons therefor?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). Yes Sir. The reason is the higher priority accorded to the copper deposits of Khetri and Daribo, which are considered to be the more promising prospects. The Indian Bureau of Mines, with its very limited resources, has of necessity to work to an order of priority and has decided to take up the exploitation of the asbestos deposits of Andhra in the latter half of the Plan period.

Finance Commission's Report

518. **Shri Narasimhan:**
Sardar Iqbal Singh:

Will the Minister of **Finance** be pleased to state when the Second Finance Commission's Report will be placed on the Table.

The Minister of Finance (Shri T. T. Krishnamachari): The Report of the Commission was placed on the Table of the Lok Sabha on the 14th November, 1957.

Himachal Pradesh Employees

519. Dr. Y. S. Parmar: Will the Minister of **Home Affairs** be pleased to state whether it is a fact that the employees of the erstwhile Administration of Himachal Pradesh affected by the State Reorganisation Act have not been absorbed nor their seniorities fixed so far?

The Minister of State in the Ministry of Home Affairs (Shri Datar): Of the staff rendered surplus in Himachal Pradesh on the reorganisation of the States, thirty-six have been absorbed in regular posts in the cadres and the remaining 15 persons have been retained by creating supernumerary posts. The seniority of the staff is also being fixed up

Freight Charges

520. Shri Bimal Ghose: Will the Minister of **Finance** be pleased to state the total freight bills on our export and import cargoes for 1954, 1955 and 1956?

The Minister of Finance (Shri T. T. Krishnamachari):

Year	Total freight bill (Rs. in crores).
1954	63
1955	80
1956	91*

(*This figure is provisional).

Samyukta Maharashtra agitation and Government Servants

521. Shri Jadhav: Will the Minister of **Home Affairs** be pleased to state whether it is a fact that Satyagrahis who took part in the Samyukta Maharashtra agitation and anti-increase of prices of foodgrains are being refused service by Central Government?

The Minister of State in the Ministry of Home Affairs (Shri Datar): No.

Aerodrome at Pathankot

522. Sardar Iqbal Singh: Will the Minister of **Defence** be pleased to state:

(a) whether Government have any proposal to construct an aerodrome or a runway cement track near the Pathankot town; and

(b) if so, the action taken thereon?

The Deputy Minister of Defence (Sardar Majithia): (a) No. An airfield already exists at Pathankot.

(b) Does not arise.

Durgah Committee

523. **Shri Awasthi:** Will the Minister of **Home Affairs** be pleased to state:

(a) how many meetings of the Durgah Committee have been held since 1952 and at what places;

(b) what were the separate and total expenses incurred in connection with the meetings held in and outside Ajmer; and

(c) the permanent sources of income of the Durgah endowment?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) The Durgah Committee was constituted with effect from the 1st March, 1956 under the provisions of the Durgah Khawaja Saheb Act, 1955. Since then the Committee has held nine meetings—five at Ajmer and four at Delhi.

(b) Expenses incurred in connection with the meetings held at Ajmer.	Rs.	1965 14'3
Expenses incurred in connection with the meetings held at Delhi.	Rs.	840/15'3
TOTAL		2806/13/6

(c) The permanent sources of income of the Durgah endowments are:—

1. Ajmer and Aurangabad Jagir Annuities.
2. Rents of Houses and shops situated in Ajmer.
3. Income from 9 village wakf properties in Uttar Pradesh, Bihar and Rajasthan.
4. Grant from the Nizam of Hyderabad.
5. Income from Nazurat.
6. Interst on National Saving Certificates.
7. Rent of the Durgah restaurant.
8. Rent of Ajmer Biswedari land.
9. Income from Durgah Agricultural farm.
10. Rent income from the Municipal lands of Ajmer.

Visas to Pakistan

524. **Shri S. C. Samanta:** Will the Minister of **Home Affairs** be pleased to state:

(a) how many visas have been granted to Muslims from Pakistan for permanent stay in India during 1956-57;

(b) in which States they have settled; and

(c) whether any one of them has gone back to Pakistan after coming to India?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). The information is being collected and will be laid on the Table of the Lok Sabha as soon as it is available.

Deferred Payment Agreements

525. **Shri T. K. Chaudhuri:** Will the Minister of **Finance** be pleased to state:

(a) the extent to which foreign exchange resources of India have been saved by deferred payment agreements entered into by private owned business and manufacturing concerns with their foreign suppliers in respect of capital equipments and other materials pruchased by such concerns since March, 1956;

(b) the type of agreements and the length of time granted for full repayment, the number of instalments and rates of interest charged for the defered payments in the usual cases of such agreements;

(c) the extent of foreign exchange savings that is expected to be affected through such agreements according to the Government; and

(d) the countries which have shown readiness to give deferred payment

facilities to Indian manufacturing concerns?

The Minister of Finance (Shri T. T. Krishnamachari): (a) and (c). Under deferred payment agreements there will be no saving as such of foreign exchange but only a postponement of payments in respect of imports.

In respect of cases totalling Rs. 36·4 crores in all approved since January, 1957 (the date from which the deferred payments scheme was introduced) payments amounting to about Rs. 23 crores has been postponed beyond 1-1-1960.

(b) The type of agreement and the terms of repayment depend on the nature of the Project, the country of supply and so on. But generally speaking the agreements made so far envisage advance payments upto 20% of the value of the goods till the date of shipment and repayment of the balance over a period of 5 to 7 years from the date of shipment in annual or 6 monthly instalments, although in some cases the period may be shorter depending on the time in which a corresponding amount of foreign exchange is earned or saved.

(d). Deferred payments arrangements have been reported to have been made by individual importers for importing their requirement of plant and machinery from the following countries so far:—

United States of America, United Kingdom, Denmark, Norwary, Sweden, Holland, France, Italy, Switzerland, West Germany, Austria, Czechoslovakia and Japan.

Recruitment of Persons after Economy Drive

526. Shri Sadhu Ram: Will the Minister of **Home Affairs** be pleased to state:

(a) how many Class I to IV persons have been employed after the introduction of Economy Drive under the Government of India;

(b) whether any time-limit has been fixed for banning further recruitment; and

(c) if not, how long it is going to last?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Recruitment to vacancies in the different classes and grades caused by death or retirement of existing personnel or creation of new posts has to take place continuously throughout the innumerable offices of the Government of India spread all over the country. Information regarding the appointments so made, since the economy drive was started, is not readily available.

(b) and (c). The object of the economy drive was to ensure that Ministries and Departments should pay particular attention to the need for economy in all directions, including economy in staff. For this purpose, economy boards or committees have been formed in each Ministry and Department to scrutinise the existing and proposed activities and expenditure. No new posts are created or existing vacancies filled in any category until the economy board or the committee is fully satisfied that it is necessary to do so. This measure has, undoubtedly, prevented undue expansion of staff in the Ministries and Departments but it is to be noted that it has never been the intention that further recruitment should be stopped alogether.

Section Officers of Central Secretariat Service

527. Shri Sadhu Ram: Will the Minister of **Home Affairs** be pleased to state:

(a) how many panels have so far been formed for promotion to grade III (Section Officers) from permanent grade IV of the Central Secretariat Service; and

(b) how many of the approved persons are from the Scheduled Castes/Tribes and other Backward Classes, and how many belong to other castes?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). There have been 7 panels so far and altogether 1268 Grade IV officers have been included in these panels for promotion to Grade III. Of these, 18 belonged to Scheduled Castes and Scheduled Tribes. There is no separate category of Backward Classes. Regarding Scheduled Castes and Scheduled Tribes, only 25 officers, belonging to these categories, were senior enough to be in the zone of promotion and, apart from the 18, who have already been approved, cases of four other officers are under consideration.

Council for Basic and Elementary Education

528. **Sardar Iqbal Singh:** Will the Minister of **Education and Scientific Research** be pleased to state:

(a) whether the proposed Council for Basic and Elementary Education has since been constituted;

(b) if so, its functions or terms of reference; and

(c) the names of the members thereof?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) to (c). A statement giving the required information is laid on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 47].

Retired Officers of Army

529. **Sardar Iqbal Singh:** Will the Minister of **Defence** be pleased to state:

(a) how many retired officers of the Army were appointed in development works during 1957-58 so far; and

(b) the nature of work entrusted to them?

The Deputy Minister of Defence (Sardar Majithia): (a) Of the 29 officers who have actually been appointed out of the 59 officers selected for various appointments during this period, none is apparently appointed in development works.

(b) Does not arise.

Consultative Committee for Libraries

530. **Sardar Iqbal Singh:** Will the Minister of **Education and Scientific Research** be pleased to refer to the reply given to Starred Question No. 326 on the 24th May, 1957 and state:

(a) the names of the members of the Consultative Committee for Libraries appointed by Government;

(b) whether the Committee has considered the question of development of libraries; and

(c) if so, the main recommendations and suggestions thereof?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (a) A list of the members of the Consultative Committee for Libraries is laid on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 48].

(b) and (c). The Committee has not not completed its work yet.

Income-Tax

531. **Sardar Iqbal Singh:** Will the Minister of **Finance** be pleased to state:

(a) the amount of Income-tax realised from Ferozepore District in Punjab during the year 1956-57;

(b) the amounts realised from persons falling under various income groups during this period; and

(c) the number of cases in which realisation of income-tax is pending at present?

The Minister of Finance (Shri T. T. Krishnamachari): (a) The amount of income-tax realised from Ferozepore

District during the year 1956-57 was Rs. 13·63 lakhs.

(b) The amounts realised from persons falling under the various income groups during this period was:

	(Rs. in lakhs) 1956-57
Assessees with business income over Rs. 25,000.	Rs. 6·35
Assessees with business income from Rs. 10,001 to Rs. 25,000.	Rs. 2·85
Assessees with business income from Rs. 5,001 to Rs. 10,000	Rs. 2·56
Other cases with business income below Rs. 5,000	Rs. 1·24
Salary, property and Dividend income cases.	Rs. 0·63
TOTAL	Rs. 13·63

(c) The number of cases in which realisation of income-tax is pending at present is 566.

Welfare of Scheduled Castes in Punjab

532. **Sardar Iqbal Singh:** Will the Minister of **Home Affairs** be pleased to state the amount of money spent for the welfare of Scheduled Castes in Punjab during 1956-57 and 1957-58 so far?

The Deputy Minister of Home Affairs (Shrimati Alva): The information is being gathered and will be laid on the Table of the Lok Sabha as soon as received.

Silver Deposits

533. **Sardar Iqbal Singh:** Will the Minister of **Steel Mines, and Fuel** be pleased to state the estimated quantity of silver deposits in India?

The Minister of Mines and Oil (Shri K. D. Malaviya): No estimate of the deposits of silver has been made so far, but it is known that the deposits are very small. Silver is obtained mostly from the lead and zinc mines of Zawar in Rajasthan, from the gold mines in Kolar in Mysore and from those of Hutti in Hyderabad. The production of silver in 1955 amounted to 153, 935 oz. and in 1956 to about 105,000 oz. These figures show how limited the country's resources of silver actually are

Loans and Grants to Andhra Pradesh

534. **Shri M. V. Krishna Rao:** Will the Minister of **Finance** be pleased to state:

(a) the loans and grants sanctioned so far to Andhra Pradesh Government;

(b) the details thereof;

(c) whether the State Government availed of the amounts so granted; and

(d) if not, the reasons therefor?

The Minister of Finance (Shri T. T. Krishnamachari): (a) to (d). The information is being collected and will be laid on the Table of the Lok Sabha.

Regional Income-tax Office, Kerala

535. **Shri Tangamani:**
Shri V. P. Nayar:

Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that the Regional Income-tax Office for Kerala State is located outside Kerala State; and

(b) if so, the reasons therefor?

The Minister of Finance (Shri T. T. Krishnamachari): (a) If the reference is to the headquarters of the Commissioner of Income-tax, Incharge of Kerala State the office is at present located at Bangalore, but it is proposed to shift it to Coimbatore by the end of December.

(b) The Commissioner Incharge of Kerala will also be in-charge of Coimbatore which provides work equal to what obtains in Kerala and the two areas together make a reasonable sized unit.

पश्चिमी बंगाल बिहार और मध्य प्रदेश में कोयले की खानें

५३६. **श्री भवोरिया** : क्या इस्पात खान और ईंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) पश्चिमी बंगाल बिहार और मध्य प्रदेश में हाल में जो कोयले की खानें मिली है उनके उपयोग के लिये सरकार द्वारा क्या कोई कार्यवाही की जा रही है; और

(ख) यदि हां तो उन का ब्योरा क्या है ?

इस्पात खान और ईंधन मंत्री (सरदार स्वर्ण सिंह) : (क) अभी हाल में जो कोयले की खानें मिली हैं उनसे आदरणीय सदस्य का क्या मतलब है यह साफ नहीं है । खुदाई का जो काम किया है उस आधार पर कुछ रिपोर्ट मिली हैं और किसी समय जो अन्दाजा लगाया गया था उससे कहीं अधिक तादाद में कोयला मिलने के लक्षण दिखाई दिये हैं । लेकिन अभी तक जो जानकारीयां इकट्ठी की गई है वे शुरूआत की है । हाल में मिले कोयले का शोषण करने के लिये कोयला खदानों को खोलने के सम्बन्ध में सरकार द्वारा किसी फैसले के किये जाने से पहले सविस्तार जानकारियां और पूरी रिपोर्टें तैयार करनी पड़ेंगी ।

(ख) प्रश्न नहीं उठता ।

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12 hrs.

RE: RULING OF SPEAKER RE: CERTAIN QUESTIONS, RESOLUTIONS, ETC.

Mr. Speaker: Regarding the notices of certain motions, I said that I would give my order today. I have not had sufficient time and there were a number of notices also. I shall either do it before 2-0'clock today or tomorrow.

PAPERS LAID ON THE TABLE

Wealth-Tax Rules

The Minister of Finance (Shri T. T. Krishnamachari): I beg to lay on the Table, under sub-section (4) of Section 46 of the Wealth Tax Act, 1957 a copy of the Wealth-tax Rules, 1957 published in the Notification No. S.R.O. 3384, dated the 18th October, 1957 [Placed in Library. *See* No. LT-377/57.]

Annual Report of State Trading Corporation of India (Private) Ltd.

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): Sir, I beg to lay on the Table, under sub-section (1) of section 639 of the Companies Act, 1956, a copy of the Annual Report of the State Trading Corporation of India (Private) Limited along with the Audited Accounts of the Corporation for the year ended the 30th June, 1957. [Placed in Library. *See* No. LT-378/57.]

Railway Passenger Fares Rules

The Deputy Minister of Finance (Shri B. R. Bhagat): I beg to lay on the Table a copy of the Railway Passenger Fares Rules, 1957 published in the Notification No. S.R.O. 3387, dated the 21st October, 1957. [Placed in Library. *See* No. LT-380/57.]

Notification issued under Estate Duty Act

Shri B. R. Bhagat: I beg to lay on the Table, under sub-section (3) of Section 85 of the Estate Duty Act, 1953, a copy of the Notification No. S.R.O. 3578 dated the 9th November, 1957, making certain further amendments to the Estate Duty Rules, 1953, together with an explanatory note thereon. [Placed in Library. *See* No. LT-379/57.]

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following two messages received from the Secretary of Rajya Sabha:—

(i) 'I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Tuesday, the 19th November, 1957, passed the enclosed motion concurring in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to provide for the regulation of mines and the development of minerals under the control of the Union. The names of the members nominated by the Rajya Sabha to serve on the said Joint Committee are set out in the motion.

Motion

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to provide for the regulation of mines and the development of minerals under the control of the Union, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shri Amolakh Chand.
2. Shri Akbar Ali Khan.
3. Shri Jagan Nath Kaushal.
4. Shrimati Sharda Bhargava.
5. Shri Ram Gopal Agarwala.
6. Shri R. K. Malviya.
7. Shri Maheswar Naik.
8. Shri J. V. K. Vallabharao.
9. Shri Kishen Chand.
10. Shri T. Bhaskara Rao."

(ii) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha I am directed to enclose a copy of the Cantonments (Extension of Rent Control Laws) Bill, 1957, which has been passed by the Rajya Sabha at its sitting held on the 19th November 1957."'

CANTONMENTS (EXTENSION OF RENT CONTROL LAWS) BILL

LAID ON THE TABLE AS PASSED BY RAJYA SABHA

Secretary: Sir, I lay on the Table of the House the Cantonments (Extension of Rent Control Laws) Bill, 1957, as passed by Rajya Sabha.

RE: PAPERS LAID ON THE TABLE

Shri Radha Raman (Chandni Chowk): I just wanted to draw your attention to one thing. The report of the Foodgrains Enquiry Committee was distributed yesterday. In chapter 4 on page 53 it mentions about some correspondence as reference. We shall very much like these letters to be placed on the Table of the House.

Mr. Speaker: Does it form part of the evidence. Or, is the hon. Member referring to the evidence taken by the Committee.

Shri Radha Raman: It is part of evidence.

Mr. Speaker: With respect to all such matters, the hon. Member may kindly send a note to me and I will consider and if I find that these are papers which are to be supplied to the hon Members or to be laid on the Table, I will ascertain and try to do so.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

NON-REPRESENTATION OF CERTAIN TRADE UNION ORGANISATIONS IN ILO ASIAN REGIONAL CONFERENCE

Shri S. M. Banerjee (Kanpur): Sir, before I read this, I submit that my point was not exactly 'non-representation of the Central Trade Union Congress'. The whole thing arose when this ILO Conference started and only one Central Trade Union Organisation has been attending and so, I shall read the changed version.

[Shri S. M. Banerjee]

Under Rule 216, I beg to call the attention of the Minister of Labour and Employment to the following matter of urgent public importance and I request that he may make a statement thereon:

"Non-representation of certain Central Trade Union Organisations in the Fourth Session of the I.L.O. Asian Regional Conference."

The Minister of Labour and Employment and Planning (Shri Nanda): Sir, the International Labour Organisation is holding the Fourth Session of the Asian Regional Conference at New Delhi from the 13th to 26th November, 1957. Twenty-one countries and twelve International Organisations are participating in the Conference on the invitation of the ILO.

In accordance with the terms of the Constitution of the ILO the employers' and workers' delegates and advisers are nominated in consultation with the industrial organisations, which are the most representative of employers and workers respectively. The nominees of the Indian National Trade Union Congress, which is the most representative organisation of the workers in India, were accepted for the workers' group of the Indian delegation to the fourth Asian Regional Conference according to the Constitution of the ILO. The nominees of the Indian National Trade Union Congress have been participating in these International Conferences since 1948. Its credentials were challenged in earlier years by other Central Trade Union Organisations of workers in India. The credentials Committee of the International Labour Organisation after giving due consideration to those challenges accepted the Indian National Trade Union Congress as the most representative organisation of the Indian workers.

Shri Tangamani (Madurai): Sir, may I seek a clarification?

Mr. Speaker: We do not allow any clarification on such statements.

LEAVE OF ABSENCE

Mr. Speaker: We do not allow any Absence of Members from the sittings of the House in their third report have recommended that leave of absence may be granted to the following Members for the periods indicated in the Report:

1. Shri S. R. Damani.
2. Shri T. D. Muthukumarasami Nayadu.
3. Sardar Baldev Singh.
4. Shri Mahadeo Prasad.
5. Shri V. N. Swami.
6. Shrimati Lalita Rajya Laxmi.
7. Shri U. Muthuramalinga Thevar.
8. Shri Surendra Mahanty.
9. Shrimati Renuka Ray.

I take it that the House agrees with the recommendations of the Committee.

Hon. Members: Yes.

Mr. Speaker: The Members will be informed accordingly.

MOTION RE: SECOND FIVE YEAR PLAN IN RELATION TO CURRENT ECONOMIC SITUATION

Mr. Speaker: The House will now proceed with the further discussion of the following motion moved by Shri Gulzarilal Nanda on the 13th September, 1957, namely:—

"That the Second Five Year Plan in relation to the current economic situation be taken into consideration."

Both this motion and the other amendments were before the House.

The hon. Minister has to reply. Shri Nanda.

The Minister of Labour and Employment and Planning (Shri Nanda): The Finance Minister is going to reply.

Mr. Speaker: He is replying on his behalf. Very well. The hon. Finance Minister.

The Minister of Finance (Shri T. T. Krishnamachari): Sir, I am grateful to my colleague for having given me the opportunity of replying to this debate. In one sense the debate suffered from lack of continuity because there was a break. It was not possible for me, as I was reading the report of the proceedings of the 13th September and trying to piece them together with what happened yesterday to ensure that even in replying I could effect continuity between the arguments put forward.

It is undoubtedly difficult in any discussion when 25 speakers have intervened to observed the main them and the break in the discussion has undoubtedly made the position more difficult. The hon. Member opposite, who spoke after my colleague, made some remarks and some suggestions. Part of them were useful and many of them were destructive. In fact, after hearing my colleague who gave in an unvarnished way an account of whatever has happened including all the short-comings of the Plan and the defects that we are now facing, we expected naturally that criticisms that came from the opposite side would help us in resolving those difficulties. Unfortunately, like all hopes of that category, our hopes in that direction were also blasted.

The hon. Leader of the Communist Party mentioned certain things which were perhaps useful. In his speech, while outlining the priorities, he said that there should be no pruning of the Plan in respect of iron and steel and in respect of irrigation. May I say, Sir, that is also our idea? There should be no re-phasing or revising of the Plan in respect of these categories.

He had suggested that power projects might be dropped for reasons totally different from ours. Speaking on behalf of the Planning Commission and on behalf of the Government I may say that we set a very high premium on power projects, because power projects are the main incentive for industrial development, whether it be in the small-scale or medium industries or in the large industries of the private or public sector. It is power that generates industries. So I am unable to agree with my friend opposite, who is not here, that we could easily let go the power projects.

But, maybe, his wish is being fulfilled from another angle, namely, the lack of foreign exchange facilities, the fact that we have not committed ourselves in regard to the purchase of certain equipment for certain power projects necessarily makes it incumbent on us to drop some of these projects. In fact, if there is any diminution in the Plan of a substantial character in the public sector, I regret to say, it might have to be in the power projects and, perhaps, even in the one, two or three of the fertiliser projects which we have included in the Plan if we do not get any facilities to proceed with these projects.

Well, my hon. friend mentioned about culprits and niggers in the wood-pile and so did other hon. Members, I shall deal with it a little later. I have nothing to say to the various five points that he mentioned as being the main factors. He mentioned about the imperialist policy of the imperialist countries and their monopolies. I fail to see how that has any relation so far as we are concerned. Outside countries give us aid to the extent that is possible, whether they are imperialist or anti-imperialist. Their policies and monopolies have no effect on our economy.

[Shri T. T. Krishnamachari]

He said that our export policy has not been a proper policy. How? I do not know. Of course, you can say export policy is not a proper one. It is easy. I myself could say that. But the question of remedying the defects, well, that has to be the result of some careful thought preceded by certain knowledge. I am afraid both these are absent so far as the hon. Member who made these remarks is concerned. The third question was landlords and monopoly interests. All these combined together, according to him, have brought on the crisis.

Some of the rest of the speeches that were made on the last occasion have been very useful. So far as criticism is concerned, they have been made again during the debate that took place yesterday. The fact that the Prime Minister intervened yesterday early in the debate has somewhat lightened my task, because he has pin-pointed the discussion on one or two salient factors. But I am afraid the guidance given has not been followed. In any event, I do not propose to deal with the question of food policy, nor do I propose to touch on the question of my visit abroad, notwithstanding the fact that my hon. friend Shri Masani has been extremely kind in his references to me, because I do think they will form the subject matter of another discussion in the House and at that moment I should be ready to receive the charges and to answer them to the best of my ability.

In fact, mention was made by my friend Shri Khadilkar, usually a very competent critic, who went off the rails yesterday to a considerable extent and committed himself to a series of statements all of which pieced together would mean almost different things.

I would like to say a few words about the remarks that fell from my hon. friend Acharya Kripalani. I have said on a previous occasion I hope he won't mistake me—that he is somewhat allergic to me. I am afraid, apparently it must be an allergy that has been created recently, as according to him I have made to him confessions in regard to my economic ideas. I do not remember, Sir, of having confessed to him what my economic faith is. He said, I mentioned to him that he did not know economics and I was a believer in *laissez faire* economy. Well, if I knew any economics at all, I know this that the *laissez faire* theory disappeared long before I was born, and I realised it almost from the time I started reading elementary economics. If the House will pardon me, I might mention a matter connected with me. In 1952 when my chief asked me to take up the responsibility of Commerce and Industry portfolio I received a deputation of the Federation of Chambers of Commerce two days after I took over. I asked the gentlemen what they came to see me for. They said, it was a courtesy visit. After that the conversation did not proceed. Then I asked them whether there was any other purpose. One of them said to me: "If you won't take offence we will say what we have in our mind". I asked him to say what they had in their minds. They said: "We have heard and seen from all your various pronouncements that you are not in favour of private enterprise, and therefore we are somewhat afraid that this charge that has been given might be operated to our detriment", I had to tell them that my chief had given me a responsibility which I had to discharge in consonance with the principles and policies of my party, and therefore my personal opinion would not stand in the way of their getting justice. That is only by the way. I did not tell my hon. friend opposite that I was a believer in *laissez faire* economy; nor do I think, except perhaps in the heat of the moment, I should have presumed to tell him that he did not know econo-

mics. He knows life and life is economics, and I certainly did not say that he did not know economics. But sometimes, merely because he is in the opposite side, he is out to find fault with us and, may I say, in finding fault with us he has been less than just to us.

Take for instance his criticism about the Rourkela plant. In one sense I am prepared to accept responsibilities for all that has transpired in regard to any shortcomings in respect of the three steel plants from my hon. colleague Sardar Swaran Singh, because the responsibility was entrusted to me and, therefore, anything that goes wrong in these steel plants is my personal and primary responsibility. May I tell my hon. friend opposite that there has been no avoidable delay? So far as the Rourkela Plant is concerned, it is true that we had to call for revised specifications, because the specifications which we originally received were only for 3,50,000 tons of finished steel and the picture we are envisaging is for a total production of somewhere near five million tons. Rourkela as it then was did not fit in. That meant some delay. Undoubtedly, we could have gone on with the 3,50,000 tons and then added later on. That is one way of doing it and, maybe, that would have been the wiser way of doing it, but the cost of doubling the plant later, once you set up all your services, supplies, space and things of that sort for a 3½ lakh tons of steel would cost much more to the Indian public than the delay of six months.

Mention was made of our having terminated the agreement so far as the participation of the consultants is concerned. May I tell him that it was also done after mature consideration. We are short of foreign exchange. And, if it is a question of getting Rs. 5 crores or Rs. 6 crores of additional foreign exchange without having to pay an undue price for them we would not have thrown it away. I found that the price was rather high. Then he mentioned that the contract was not finalised. I do not know where he got his information from. I do not know; probably somebody in the Iron and Steel Ministry told him about it. Contracts for all the essential things have been finalised.

Acharya Kripalani (Sitamarhi): May I know when they were finalised?

Shri T. T. Krishnamachari: They were mostly finalised before I handed over charge to my colleague Sardar Swaran Singh. That happened sometime in *April*, 1957. Maybe a few odds and ends here and there have still got to be done but they have to take their own time. Maybe that in the contracts that we have given, one or two things had to be changed. There is some delay in civil engineering. These things happen and if my hon. friend said that we have not chosen our contractors properly, that we have not put in adequate manpower or engineering personnel then, I would have pleaded guilty with him. I would tell him, "yes, it is true," and I would have given an explanation, satisfactory or otherwise. But I do not think the charge that he laid at our door was true.

On the same plane is the charge against Government with regard to the co-operative movement. In countries which he visited, I suppose he found Governments taking an interest in the co-operative movement. So are we. The Government here are taking a deep and abiding interest in the co-operative movement. The Planning Commission has provided a very large sum, I think, Rs. 47 crores, so far as encouragement of co-operative movement is concerned. And the achievement is quite substantial. In the case of membership during the last three years, 1953-54, 1954-55 and 1955-56, the membership has increased by about 52 per cent. paid-up capital of co-operative societies, 70 per cent; working capital, 61 per cent; assests and investments, 90 per cent.

[Shri T. T. Krishnamachari]

I would also like to tell him something in greater detail in regard to what Government have done. As a result of the Rural Credit Survey Committee's report, certain changes have been made in regard to the type of assistance that would be given to rural areas. The Reserve Bank and the Food and Agriculture Ministry were charged with undertaking this task. May I say that in regard to credit societies, the resources that are now provided through the medium of the Reserve Bank, by augmentation of share capital at all stages—primary, district and the apex level—are somewhere about Rs. 5 crores which is the amount of money that the State Bank has given to the State Governments and the State Governments might have added something. Medium-term resources to the State co-operatives, the apex banks and the Central Government are provided by the Reserve Bank to the extent of Rs. 4 crores to Rs. 5 crores. The marketing organisations have also been given assistance by the Reserve Bank for increasing the share capital of the marketing organisations. The co-operative Development Board which is working under the aegis of the Food and Agriculture Ministry has spent more than Rs. 1 crore. For the building of godowns and for subsidising the building of godowns, they have been given a grant of Rs 1 crore.

The Reserve Bank has taken a personal interest in providing for the training of staff. It has been going on for a number of years in order that these societies might have the services of qualified people, and the subsidies that have been given for that purpose by way of recurring expenditure amount to more than a crore of rupees.

The Reserve Bank have also got training schemes on which over a period of years they have spent very nearly Rs. 50 lakhs, and assistance is being given to processing societies—raw jute and sugar-cane. This assistance is being directed through the Co-operative Development Board under the Food and Agriculture Ministry and through the State Bank of India.

I might mention also that the Reserve Bank lends what might be called short-term money, which really means 12 months, for production and marketing through co-operatives. and it is about Rs. 40 crores a year now, to which has to be added a sum of Rs. 35 crores a year which the societies themselves are putting up. Maybe that these resources act in a different way, so far as we are concerned, in regard to the price of foodgrains, but to say that the co-operative movement here has not got the leadership or active support of the Government is not right

Shri Masani made certain points. As I said, his personal reference to me was undoubtedly complimentary: his reference to the Government and the Planning Commission was less so. There is no point now to try to find the parentage for the Plan. I can only tell him that it is not a foundling. It has a proper parentage, very respectable. There is no use saying that this person or that person did it, because the Planning Commission has provided the Plan and the Government, after careful examination. have accepted the Plan. So, the responsibility for the Plan is that of the Government today.

Acharya Kripalani: Foundlings are also recognised in India.

Shri T. T. Krishnamachari: My experience with foundlings, I am afraid, is somewhat meagre. I am sure my hon. friend knows more about it.

The question of ideology was again raised. I would like to tell him that this must be considered closed issue

now. So far as ideology is concerned, what my friend opposite said is not true. Then, they seem to indicate that there must be a reversal of the gear. No. The chariot goes on. Do they want us to go slow? But the wheels go on. The pace will be regulated by the road through which it travels and the amount of man-power that is put behind it. But it will go on. So, there is no question of reversing the gear.

On the question of internal resources, many hon. Members made a reference. It is true oftentimes in the past, when I was speaking, I had given internal resources a somewhat lower priority than to external resources. But that does not mean that internal resources position is such that resources would be picked up and gathered on the wayside. I shall mention something about it before I close.

My friend Shri Tyagi is in a unique position. May I say that I sometimes envy him, his independence.

Shri Tyagi (Dehra Dun): God willing, you will have it soon.

Shri T. T. Krishnamachari: The position is this. I do not know if any hon. Member has experience of a funeral. When a man dies and when there is a funeral, he leaves behind the widow. These widows go and cry, but innately they are glad because their fold has been increased. I do not deny or refuse the pleasure of increasing the number of widowed Ministers that Shri Tyagi wants to augment. When I cease to be a Minister, I shall not be here to criticise the Government; and that, I hope, is a thing which is under my control. As I said, I did not want to refer to this question except to say that Mr. Tyagi knows more about Government than anybody else does here, and knowing about Government, he is free from the inhibition that a person who is in the Government has today. Very possibly I might say the same thing in a private capacity. My Tyagi has said, "What has the Prime Minister done? What has the former Finance Minister done? What does the present Finance Minister do? What did he do as Commerce and Industry Minister?" They all make mistakes. So did Mr. Tyagi and his knowledge is undoubtedly useful. But his liberty should not be misused.

Mr. Bharucha, I think, must be a little offended because the Prime Minister made a reference to him. Now that he is going to deal with the almost next but one item with which I am concerned, I would like to keep peace with him. But I hope he would not be too offended if I say that I have nothing to add to what the Prime Minister said.

I have not mentioned Mr. Khadilkar. As I told you, I have got a great deal of respect for him and his views. But then he was jumbling up a number of things, what is the position of the Planning Commission and so on. Does he want the Planning Commission to be an independent body, in which case neither the Government nor this House would have anything to do with it? It happens in certain countries. If he wants it to be responsible to the Government, it is responsible to the Government and you can move a vote of censure on the Government for failure to implement the Plan as presented. The Government must find adequate explanation to say why that vote should not be granted.

He mentioned something about private enterprise, something that I said somewhere and so on. So far as we are concerned, we have given a place to private enterprise and private enterprise will have to do the processing of many of the things that we manufacture in the public sector. I do not think there is anything new that he has excepting perhaps to put it slightly more pungently than he normally does.

Therefore, I have tried to cover much ground, but I do not propose to deal with the question of the import policy for which really the former Commerce and Industry Minister is responsible.

[Shri T. T. Krishnamachari]

It has become a parrot slogan. I suppose it is quite nice to be a parrot. Hon. Members opposite can be parrots and might probably have beautiful wings which you can look at. But once they open their mouths, they are like the parrot in the *puranic* days which repeats things because of what you call *samsarga dosha*. They are in bad company and the parrots must say those things. In spite of the fact that the parrot has been corrected, the parrot will go on repeating. Therefore, there is no need for me again to defened myself or the Government or the previous Commerce and Industry Minister.

Shri Hem Barua (Gauhati): Are there no parrots in the Treasury Benches?

Shri T. T. Krishnamachari: There are no parrots here.

Shri Hem Barua: Perhaps they are eagles and kingfishers.

Shri T. T. Krishnamachari: The hon. Member can let his imagination loose and consider that we might be anything, vultures even, if he likes. But the only trouble about it is we have not got the capacity of the vulture to deal with the people who meddle with it.

12.34 hrs.

[SHRI BARMAN *in the Chair*]

I think the House will certainly expect me to say now something about the Plan. All that I have been saying all along is something outside the Plan. My colleague mentioned the other day about the figure of the Plan that we now envisage. Speaking in terms of possible increase in the financial size of the Plan, the review that has been made by the Planning Commission indicates to us that we have to come back to the Rs. 4,800 crores, which would be the financial limit of the Plan. Forecasts of the resources were attempted in this connection and even for this purpose, the resources, both internal and external, were somewhat inadequate. In regard to internal resources, there was a gap of about Rs. 400 crores after allowing for deficit financing of Rs. 1,200 crores. On the external side, the balance of payment gap was estimated to be Rs. 1,100 crores. Even filling this gap would not be an easy task; but it will probably be more now.

The original estimates in regard to the Plan requirements were perhaps on the low side. What is really causing us a certain amount of trouble in regard to resources was, is rather that the non-planned expenditure such as defence had to be raised and that impinged very largely on the external side of our resources. It is in the light of this development that the re-orientation of our economic policy had to go on during the last few months. The Planning Commission had an opportunity of reviewing the position as it obtained during the last 18 months, since the Plan began. For 1956-57 the Plan outlay falls a little short of Rs. 700 crores. There have been considerable shortfalls in the States because of their preoccupation with other things, and not the least, States reorganisation.

In 1957-58, as against the Plan target of Rs. 960 crores, the actual outlay may turn out to be smaller. For the two years together, the expenditure on the Plan probably would be in the region of about a third of the Plan outlay. This has been indicated to you by my colleague in making the opening speech.

I have been considering the problem of resources against the target of Rs. 4,800 crores, but I must confess there are still several uncertainties in the situation. The fact is that the critics who have spoken about our estimate of the Plan do not realise that a dynamic plan creates various difficulties in the way merely because of the mutation that the implementation of the Plan brings in its way. To anticipate everything and control everything is very difficult. We can control many things, but that would

mean a plan in which nobody can have any say. It has to be completely authoritarian.

The second fact that one has to recognise, which I think is often not recognised in this House, is this. The House is very powerful. It controls the destinies of this country, but at the same time, by the Constitution a very large segment of normal governmental powers has been given over to the States. And that is a thing that neither the House nor we as representatives or trustees of this House can exercise excepting through methods of persuasion. Mr. Khadilkar will agree with me that there the Planning Commission is very useful. It is useful in the direction of apportioning the resources the Centre gives to the various States in an objective manner, having in mind the totality of the development of the whole country. It is useful in advising the States, which I cannot. Very often, if I give advice to the States, the State Finance Ministers will say, "You are being dictatorial". The Planning Commission, because it has not got the power to enforce the advice, is more palatable and we should not forget the fact that we are planning in a democratic set-up where every act of ours is being magnified and brought on the forum of this House. We are also acting in a federal set-up which adds to our difficulties, and this increases the uncertainties in the situation. Nevertheless, I am reasonably hopeful that with an effort we shall succeed in raising resources to match this target.

Shri Bimal Ghose (Barrackpore): May I ask one question? What relation would this amount of Rs. 4,800 crores bear to the physical targets?

Shri T. T. Krishnamachari: As a matter of fact, I am only dealing with financial targets. The physical targets might suffer certain diminution. The physical target may suffer diminution because of the price recession that is going on in the world, which is unfortunate. I don't think we can provide anything against price recession. It is quite likely that some of our purchases may become somewhat cheaper, that is, those which we have not already purchased. That might give a small advantage in the overall picture—a very small advantage. But price recession in the world is also going to mean a certain amount of difficulty in our export trade.

But I am only dealing with the financial targets now. About physical targets I shall probably say a word before I close.

Shri Panigrahi (Puri): Are we going to adhere to the target of Rs. 1200 crores of deficit financing?

Shri T. T. Krishnamachari: I think I shall mention a word about it also before I close.

Naturally, the questions that are put by the hon. Members are indicative of the fact that the House is anxious to know how the Plan is to be rephased in the light of both internal and external resources and which physical targets are going to be reduced, which schemes are going to be accorded low priority, what in a word is the size and shape of the streamlined plan. I am afraid, it is not possible for me at this stage to give a clear-cut answer to the question. I hope it would be possible for the Planning Commission and the Government to give a more clear picture or a more precise picture of the position some time towards the middle of the budget session. That is my hope.

One point has been made clear and that is that we want to exert our utmost to see that the projects in the core of the Plan are duly implemented. In other words, every care is taken while re-adjusting the Plan to see that we do not sacrifice the growth potential of the Plan. That is where what my hon. friend, Mr. Dange, has mentioned is perhaps relevant. The question of coal, the question of steel, the question of irrigation, the question of ports and railways, if they are today given the go-by, then the growth potential that is necessary for the Third Plan will not be there

[Shri T. T. Krishnamachari]

The crucial problem at this stage is to secure the foreign exchange required for the core projects on which a considerable sum of money has already been spent. There are outstanding commitments on Government account and in respect of projects in the private sector as well, which have to be met. Altogether, our estimate is that we need external assistance of Rs. 700 crores to enable us to meet these commitments.

I have already told the House the efforts that we are making in this direction. What I would like to tell the House is that there is a "bunching" of external commitments which we require for the next eighteen months. A large part of the deficit of Rs. 700 crores I have mentioned now is expected to arise during this period of 18 months from now on. It is in view of the need meanwhile to utilize our foreign exchange resources as fully as it is consistent with prudence that we are coming up to Parliament with a Bill to amend the relevant sections of the Reserve Bank of India Act.

Broadly speaking, the considerations in terms of which we are proceeding are as follows:

We are trying to provide funds, both internal and external, for carrying forward projects which have already commenced and have moved a considerable step forward.

We are endeavouring to complete, to schedule, the programmes in respect of the core of the Plan which, as I said, happens to be the railways, major ports, steel, coal and, to the extent possible, ancillary power

We are not undertaking any new commitments outside the core except against external assistance, foreign investment or deferred payment terms.

Assuming that the foreign exchange resources for the programme sketched above are available, I should expect that the performance in terms of the achievement of physical targets and increase in national income and employment will not fall excessively below the original targets. This would almost be true on one assumption, which I consider to be an important assumption, namely, that the increase in food production over the Plan period will be satisfactory. Increase in the aggregate output, expansion of employment and the attainment of high levels of investment without causing economic instability are vitally related to the successful achievement of the target in the matter of food production.

I have already said enough to show that our immediate problems, in respect of resources, special external resources, require all our attention at present. It is, therefore, not particularly profitable at this juncture to attempt to map out the likely position in respect of resources and performance for the remaining period of the Plan. Nevertheless, a broad indication of our course of action or the likely course of development is perhaps necessary. Now I shall do so, provided it is understood that the exercise that I am making is extremely tentative.

At the same time, I would like to underline the position mentioned by the Prime Minister yesterday about food production. Though we recognize the importance of it, we should not fail to recognize the fact that there is a certain amount of inevitability in regard to food production lagging behind other development in countries which are under-developed or which have a large population. I was looking into a book about Soviet economy and I found therein an essay by Professor Colin Clark. He was comparing the growth of the Soviet economy in relation to certain West European countries. He had indicated the point there that while industrial development in the Soviet economy can stand comparison with the development of many of the West European countries, the development

in the total lagged behind, and that is largely because the agricultural sector lagged behind the development in the Soviet economy in other sectors.

12.47 hrs.

[MR. SPEAKER *in the Chair*]

The Prime Minister mentioned about the difficulty which China is facing in this context. Therefore, we have to recognize the fact that in any country where there is a large population, the agricultural aspects of any Plan could not be underrated. Even continuous striving might perhaps not lead you to realize the expectations that you have in that regard and it may be that because of the lack of progress in the agricultural sector, *pari passu* with the progress in other spheres and the total development has not taken place to the extent that you had figured for if you look only into the industrial development, it might perhaps give you a totally different picture of the situation.

The House is aware of the measures we have taken to augment our tax resources. The measures taken by the Centre add up to an additional tax yield of Rs. 800 crores over the five year period. The tax yields are also expected to increase as the Plan proceeds. Further marginal additions to this effort are perhaps possible. The recommendations of the Finance Commission will mean the transfer to the States of a sum of Rs. 170 crores within the Plan period. Some of the tax measures adopted at the Centre will benefit the States also. For the rest, I think, the ball is now in their court. The States also must raise more resources for their plans, enough and more to match the targets that they had originally expected. Altogether the contribution of additional taxation in the Centre and in the States will cover the gap of Rs. 400 crores that was left initially in the Plan; it can, if, as I said, the States play their part, make a significantly larger contribution. In fact, it is imperative that the States must raise more resources as they have taken up some of the non-development expenditure works also. They must do more than was envisaged in the Plan. The balance from revenue secured in this manner plus the surpluses of the Railways which, I expect would be larger than we had originally anticipated, should enable us to finance more than 25 per cent. of the Plan outlay.

Realisations of market loans have, unfortunately, fallen below our expectations. So also I am sorry to say, the collections from small savings. There is need to step up substantially the latter. We at the Centre and my colleagues in the States propose to strive our best not only to reach the original targets, but to exceed them. I have every hope that the capital market will improve in course of time. But, I regard our effort on small savings as crucial for the fulfilment of the Plan. There is no doubt that in spite of all our difficulties and upsets, the national income has been increasing steadily. There is a saving potential in the economy sufficient to give us the resources we need, provided effort is made to this end, and that on a national scale. I am sure Members of this House will interest themselves individually and collectively in making this part of the programme of raising resources a success.

I need not go through all the details of the sources that we can tap. Undoubtedly, the foreign exchange gap of the Plan being larger, accretion of resources under this head will have to be larger. The actual outcome is a matter for the future.

There is one aspect of this kind of resources on which some hon. Member asked me to say a word and I will do so, that is the question of deficit financing. The ceiling for deficit financing accepted in the Plan is Rs. 1200 crores. It was never the suggestion that this amount of deficit financing could or would be gone through whatever the economic situa-

[Shri T. T. Krishnamachari]

tion. I think this mode of financing will have to be curtailed to some extent and, I am inclined to regard the figure Rs. 900 crores as a limit under the conditions that have emerged. In fact, we could perhaps have resorted a little more in the direction of deficit financing if we could maintain this level of our foreign exchange gap, the gap in our foreign trade namely of there being a large gap which means mopping up of internal resources to that extent. Since that is not possible on a very large scale unless certain other conditions ensue, I am afraid the limits that we have to put on ourselves in regard to deficit financing have got to be somewhat more rigid.

In the first two years of the Plan, the actual deficit in technical terms would probably be of the order of about Rs. 500 crores. The further limit that is allowed to us is relatively small. I would like to say this that as I see the future, we, probably would not need any deficit financing in the last year of the Plan. We can rule that out. We have to keep an eye on the deficit financing that we indulge in during the third or fourth year of the Plan. Nevertheless, what the Prime Minister said yesterday is relevant, namely, our internal resources have to be stepped up if we are to implement a plan outlay of Rs. 4800 crores.

You might ask why this question of internal resources is under strain. My hon. friends opposite might say, this Plan is ambitious.

Shri M. R. Masani (Ranchi-East): Inflation.

Shri T. T. Krishnamachari: Inflation is a bogey....

Shri M. R. Masani: It is a grim reality.

Shri T. T. Krishnamachari:....Inflation in India is totally different from inflation in other countries. There will be no inflation in India if food price is somewhere near that ruling in 1953-54. Because our ideas of inflation and the effects on our economy by way of inflation is largely in regard to increase in the price spiral of foodgrains. But, from that point of view, I can say that in other European countries which speak of inflation in India as being a potential danger, for a standard of living similar to what we have here, they would have to spend four times. I do not know if Acharya Kripalani has seen it. It may not be so in East European countries to any large extent. I do not know anything about it. But, I do find in the western countries,—you have to spend four rupees there in order to get what we get for a rupee in this country. For anybody outside to speak of inflation in India is not true from that point of view though so far as we are concerned, certainly, in certain parts of India, in the rice consuming areas, any increase in price of rice from Rs. 13 or 14 a maund to Rs. 18 or 20 or 22 is something which is terrific. The capacity, the cushion is so small that any increase does affect us. So, there is no use of speaking in terms of inflation from the point of view of western economic theory. Our inflation, if it exists, has a different cause and a different effect.

As a matter of fact when you curtail the Plan, when you find that you have to give up this power project and on examination you find that there are hundreds of industries waiting to be started in that area and the dropping of the power project will mean that that particular area will not be developed, it makes it very difficult for us to think in terms of the Plan being ambitious.

In regard to expenditure on social overhead capital, in regard to housing, in regard to slums, in regard to refugees, in regard to provision of employment on a wide scale, we are still far from even the optimum—leave alone the question of the desirable limit. How could anybody in

this country say that this Plan is ambitious, that we have framed an ambitious plan. It is not ambitious enough in my view. The fact that we have framed a Plan of this nature is because of compelling necessities which the resources position imposes on us.

The question of stepping up investment, that is to say, increasing the savings because undoubtedly there has been an increase in the national income is a very important factor to which this House and everybody else has to devote some attention.

I do not propose to deal with pruning or cutting down of the Plan and the elongation of it because the Prime Minister has dealt with it. I cannot understand why the Plan should be elongated. Supposing—it does not help us—some things could not be done, if anything has been taken into account and if it is not done, it will flow into the third Plan. If something is not taken, it naturally gets dropped and begins in the third Plan. I really can't understand the rationale behind the suggestion, make it a six year Plan, make it a seven year Plan. What is the object. Assuming that you cannot do it, it goes into the next plan. For instance, we have recently concluded an agreement in regard to heavy machine building plant being put up with the help of U.S.S.R. Surely, that plant is not going to start production during this Plan, or at any rate, it will just perhaps get started. The ancillaries for that plant will have to be started now. It is really a thing where production will start in the third Plan, not in the Second. There are many projects of that nature which would probably go into the third Plan. I can't quite understand this logic behind people who tell us, elongate the Plan.

Shri Hem Barua: That would be elongation under a different seal.

Shri T. T. Krishnamachari: If it is matter of semantics, my hon. friend who speaks English with almost a foreign lisp can have the pleasure or satisfaction that what he has said has happened.

Shri Hem Barua: I find the same thing in the Finance Minister's English as well. (*Interruption*).

Shri T. T. Krishnamachari: My hon. friend evidently thinks that everything is modelled on his own.

Mr. Speaker: This has nothing to do with the Plan.

Shri Hem Barua: He has gone off the track.

Shri T. T. Krishnamachari: I have explained the lines along which we are proceeding, the lines of our thinking in the face of the present situation. As I have stated earlier, it is not possible to state precisely where the Plan will perhaps be cut in consequence of the reviewing that is taking place now. For the core of the Plan itself, we have to make sizeable commitments. Arrangements for this purpose are under way. As I said before, there is a downward trend in prices abroad and that might perhaps help us to some extent. We have included in the core a few of the important power projects in the Plan. We need to complete more even to take on a few new ones. But that must depend upon the resources available. Similarly, in regard to fertiliser projects, we hope to see through one of them as at present and we are trying to secure deferred payment terms for the others.

13 hrs.

The programme of industrial development in the private sector has proceeded fairly satisfactorily, but some of them require further commitments of foreign exchange which we may not be able to spare, unless it be that the national resources are otherwise wasted and the foreign exchange has got to be found.

In these circumstances, I regret to say I am not in a position to present

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anything like a full picture of the likely outturn during the entire Plan period at the present moment. I would only like to add that we are keeping a close watch on the position and the Planning Commission and we would certainly make an attempt to present a picture of something which is near precise to the House sometime during the Budget session. But we hope, Sir, notwithstanding our present difficulties to adhere to the essential objectives and priorities of the Plan.

I would only like to say a word about the amendments. In the face of what I have stated here, the amendments do not seem to fit in. If it is a question of examination by an outside body that would mean that the Planning Commission itself is incapable of examining it. It is examining it at every stage. The other, like elongation or whatever it is, is a thing which is beside the point after, I presume, what I have stated.

Therefore, while we appreciate the sincerity of the purpose behind some of these, we are not in a position to accept them, as they would not help but hinder the objective which this House, the country and we have before us.

Mr. Speaker: I would like to know if any hon. Member wants any particular amendments to be put to the vote of the House.

I find hon. Members want the following amendments to be put to vote: No. 5, 9, 13, 17 and 23.

The question is:

'That for the original motion, the following be substituted, namely:—

"This House having considered the Second Five Year Plan in relation to the current economic situation, is of the opinion that enough emphasis should be laid on agriculture so as to bring about a balanced development of industry and agriculture without which the successful implementation of the Plan may not be possible."'

The motion was negatived.

Mr. Speaker: The question is:

'That for the original motion, the following be substituted, namely:—

"This House having considered the Second Five Year Plan in relation to the current economic situation, is of the opinion that in the First Five Year Plan—

(i) prices have risen disproportionately;

(ii) the investment in the private sector has exceeded the entire plan target and flowed outside the plan;

(iii) foreign exchange reserves have depleted without prospects of replacement.

(iv) the Government has shown vacillation and lack of unity of purpose; and

(v) the living standard of the people has already fallen beyond tolerable level.

In order to correct the situation and to correctly develop an economy, the House is of opinion that the Plan must be basically changed".'

The motion was negatived.

Mr. Speaker: The question is:

'That for the original motion, the following be substituted, namely:—

"This House having considered the Second Five Year Plan in relation to the current economic situation, is of the opinion that the Plan should be re-phased in relation to the available resources within the country and to the extent it is feasible to raise credit abroad, and to this end, this

House recommends to the Government—

(i) to make a clear-cut category-wise statement as to what projects in various fields are finally to be included in the re-phased Plan and what are to be postponed:

(ii) to announce by way of a policy statement that a two-year breathing time will be given at the end of the Second Plan to the nation to recover from the stresses and strains of the two Five Year Plans;

(iii) to announce by way of a policy statement that deficit financing will not be permitted to exceed Rs. 800 crores and that even the core of the Plan, if necessary, would be re-phased to keep within the limits of Rs. 800 crores of deficit finance;

(iv) to make strenuous efforts to prevent rise in food prices and articles of domestic consumption;

(v) to give all-out aid to hard-currency earning exports; control credit facilities; encourage flow of foreign investments; and

(vi) to assure the nation that during the remaining Plan period there will be no fresh major tax imposition on the middle and poor classes."'

The motion was negatived.

Mr. Speaker: The question is:

'That for the original motion, the following be substituted, namely:—

"This House having considered the Second Five Year Plan in relation to the current economic situation, is of the opinion that the failure of the Government to take prompt and adequate measures to check the deteriorating agrarian situation and its vacillating policy in regard to the foreign exchange reserve, has created difficulties for the successful implementation of the Plan."'

The motion was negatived.

Mr. Speaker: The question is:

'That for the original motion, the following be substituted, namely:—

"This House having considered the Second Five Year Plan in relation to the current economic sitution, is of the opinion that—

(i) more emphasis should be laid on agriculture;

(ii) cottage industry should be given priority; and

(iii) emphasis should be laid on organising village Panchayats."'

The motion was negatived.

All the other substitute motions were, by leave, withdrawn.*

NAVY BILL

Mr. Speaker: The House will now proceed with the clause-by-clause consideration of the Navy Bill.

The time allotted for this Bill is 10 hours, of which 5 hours and 42 minutes have been taken; so a balance of 4 hours and 18 minutes are left.

Clause 12.—(*Validity of enrolment*)

Mr. Speaker: I find no amendments tabled to this clause. I shall put it to vote.

The question is:

"Clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

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*The following substitute motion moved by the late Shri Tyabji on the 13th September, 1957, was deemed to have been negatived under the direction issued by the Speaker:—

"That for the original motion, the following be substituted, namely:—

'This House having considered the Second Five Year Plan in relation to the current economic situation, is of the opinion that steps be taken to improve the position regarding foreign exchange and to avoid deficit financing'."

Clause 13—(*Oath of Allegiance*)

Shri Easwara Iyer (Trivandrum): Sir, I beg to move:

Page 7, line 37—

after "established" *insert* "and to the Union of India."

In moving this amendment I submit to the consideration of the House that the taking of oath is not merely a technical or a formal matter. Taking of oath means that he bears allegiance to the country and a breach of that oath will constitute him as a traitor to the country. So that I cannot understand why loyalty to the country is not also made a subject matter of the oath.

Clause 42 says—

"Muntiny means any assembly or combination of two or more persons subject to naval law with the common object of,—

* * * * *

(d) seducing any person subject to military naval or air force law from his allegiance to the Constitution or loyalty to the State or duty to his superior officers;"

Here it has been provided that mutiny means seducing a person subject to military, naval or air force law from his allegiance to the Constitution or loyalty to the State. Therefore, I would commend to the hon. Minister that this addition may also be made in the form of the oath, because oath is a very solemn matter and its solemnity should not be destroyed by taking away the allegiance to the Union of India.

Mr. Speaker: Amendment moved:

Page 7, line 37—

after "established" *insert* "and to the Union of India."

The Deputy Minister of Defence (Shri Raghuramaiah): Sir, I am very glad that the question of loyalty to the Union has been emphasised so much by the mover of this amendment. The oath prescribed in the present clause follows the general pattern of the oath prescribed for Ministers of the Union, Members of Parliament, and so on under Schedule III to the Constitution of India. Allegiance to the Constitution implies naturally loyalty to the country. It is difficult to conceive of disloyalty to the Constitution which will not also mean disloyalty to the country.

Shri Easwara Iyer: It can be there.

Shri Raghuramaiah: Of course, certain words have been put in the definition of mutiny. But that, Sir, is a specific provision. When we prescribe an oath it must cover all cases and following the pattern of the III Schedule to the Constitution, we thought that the present definition is sufficient. I would, therefore, submit that there is no need for the amendment.

Mr. Speaker: I shall now put amendment No. 13 to vote.

The question is:

Page 7, line 37—

after "established" *insert* "and to the Union of India".

The motion was negatived.

Mr. Speaker: The question is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14—(*Liability for service of officers and seamen*)

Shri Easwara Iyer: I beg to move:

Page 8, line 8—

after 'No officer' *insert* 'or seamen'.

This is a consequential amendment. Sub-clause (2) reads:

"No officer shall be at liberty to resign his office....."

This amendment seeks to bring seamen also within the ambit of this provision.

Mr. Speaker: What about amendment No. 15?

Shri Easwara Iyer: That is also for the same purpose.

I beg to move:

Page 8, line 16—

after 'Officers' *insert* 'Seamen and'.

Mr. Speaker: Amendments moved:

(i) Page 8, line 8—

after 'No Officer' *insert* 'or seamen'.

(ii) Page 8, line 16—

after 'Officers' *insert* 'Seamen and'.

Shri Raghuramaiah: There are two provisions in this clause and what the hon. members want is there already in sub-clause (2). The first part of this sub-clause reads:

'No officer shall be at liberty to resign his office except with the permission of the Central Government'.

and the second part reads:

"no seamen shall be at liberty to resign his post except with the permission of the prescribed officer.".

The only difference is as regards the authority which will have to accept the resignation. In the case of seamen, it has been considered that it would be quite sufficient to leave it to the prescribed officer; it may be the Chief of the Naval Staff or any other officer as may be prescribed according to the circumstances of the case. It might cast a heavy burden on the Central Government and take a lot of their time if they were to go and examine necessarily every case of resignation by a seaman. That is all the distinction. Therefore, I submit that the amendment is not necessary.

Mr. Speaker: I shall now put amendments Nos. 14 and 15 to vote.

The question is:

Page 8, line 8—

after "No officer" *insert* "or seamen".

The motion was negatived.

Mr. Speaker: The question is:

Page 8, line 16—

after "Officers" *insert* "Seamen and".

The motion was negatived.

Mr. Speaker: The question is:

"That clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 was added to the Bill.

Clause 15.—(*Tenure of service of officers and seamen*).

Shri Easwara Iyer: I beg to move:

Page 8—

after line 29, *add*:

"Provided that no officer or seaman shall be discharged, dismissed or reduced in rank unless opportunity is given for the said officer, or seaman to show cause."

This amendment seeks to add a proviso to clause 15 whereby no officer

[Shri Easwara Iyer]

or seaman shall be discharged, dismissed or reduced in rank unless an opporuntity is given to him to show cause against such dismissal or reduction in rank. This is a very elementary rule of natural justice, and that is also embodied in article 311 of our Constitution.

Now, although the Fundamental Rights available to citizens have been restricted or abrogated to a certain extent, so far as this Bill is concerned, yet I say that this would not come within the ambit of those Fundamental Rights, but it is only the rule of natural justice embodying the principle of *aude alterem par tem.*

Quite apart from the fact that the officer who is subjected to the punishment is or is not given an opportunity to argue the case, at least, I submit, an opportunity for submitting a written explanation in case of proposed dismissal or proposed reduction in rank or removal from service may be given. The proviso seeks to achieve that purpose. I do not think the Minister will have any objection to this amendment.

Mr. Speaker: Will that not come under the phrase 'Subject to the provisions of this Act and the regulations made thereunder'?

Shri Easwara Iyer: That is a case of dismissal or discharge by taking disciplinary action against him. But in cases where he has committed offences within the provisions of the enactment, he is entitled to trial. But this enactment has not provided for any notice being given prior to his dismissal or removal from service.

Mr. Speaker: Amendment moved:

Page 8—

after line 29, *add*:

"Provided that no officer or seaman shall be discharged, dismissed or reduced in rank unless opportunity is given for the said officer, or seaman to show cause."

Shri Raghuramaiah: The hon. Member referred to article 311 of the Constitution. Of course, the article is specific but it only applies to members who are civil servants of the Union. This may be compared with article 310 where there is a specific reference to members of the Armed Forces. So, the Constitution does not contemplate the application of the provisions of article 311 to the Armed Forces.

Apart from that, in cases where there is a specific charge, it is triable by a court martial, and there is abundant opportunity given to the accused to defend himself. My hon. friend is no doubt referring to cases covered by clause 15. Although the normal rule is that under the regulations any person who is to be discharged or removed from service should as far as possible be given an opportunity to explain—it will be so, and that is the position in actual practice—yet, it would not be feasible in a matter like this to make it a statutory obligation, because there may well be cases where it will not be in public interest to disclose why a particular person is being discharged. They may be very rare cases. But the requirements or the Armed Forces are such that it would not be feasible or advisable for Government to be handicapped in this matter. That is the reason why Government are unable to accept this amendment.

Mr. Speaker: I shall now put amendment No. 16 to vote.

The question is:

Page 8—

after line 29, *add*:

"Provided that no officer or seaman shall be discharged, dismissed or reduced in rank unless opportunity is given for the said officer, or seaman to show cause."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 15 stand part of the Bill".

The motion was adopted.

Clause 15 was added to the Bill.

Mr. Speaker: I believe Government must send for the Whip, so, that the voices may be louder. I am guided by voices, not by division. If the voices are absent, it is rather strange.

Shri Raghuramaiah: I shall do that.

Shri Braj Raj Singh (Firozabad): There is no quorum, I think.

Shri V. P. Nayar (Quilon): Let us not inconvenience our more fortunate colleagues.

Mr. Speaker: During the lunch hour, we do not insist on quorum, unless any hon. Member says he challenges the division.

Clauses 16 to 18

Mr. Speaker: Now, since there are no amendments to clauses 16 to 18, I shall put them together to vote.

The question is:

"That clauses 16 to 18 stand part of the Bill".

The motion was adopted.
Clauses 16 to 18 were added to the Bill.

Clause 19.— (*Restrictions respecting right to form associations, freedom of speech, etc.*)

Shri Easwara Iyer: I beg to move:

(i) Page 9—

after line 38, *add:*

"Provided that it shall be lawful for any person subject to naval law to be a member of any organisation of a scientific, literary or cultural character or of any organisation the membership of which is limited to officers or seamen of the Indian Navy."

(ii) Page 10, lines 7 and 8—

omit "or for such other purposes as may be specified in this behalf by the Central Government."

The first amendment seeks to add a proviso to clause 19.

Mr. Speaker: Amendments moved:

(i) Page 9—

after line 38, *add:*

"Provided that it shall be lawful for any person subject to naval law to be a member of any organisation of a scientific, literary or cultural character or of any organisation the membership of which is limited to officers or seamen of the Indian Navy."

(ii) Page 10, lines 7, and 8—

omit "or for such other purposes as may be specifid in this behalf by the Central Government.".

Shri V. P. Nayar: A few moments ago, I heard the Deputy Minister telling us that he was quite surprised to find how allegiance to the Constitution was being pressed from this side. I should really be surprised if the Deputy Minister does not find his way to accept this amendment. After all, what does it contemplate?

I know my hon. friend as a person who loves all the arts. I know his love of music. If he does not come forward to accept this amendment, it only suggests that apart from the organisations which are detailed here, the personnel of the Naval Forces will not be able to join a society, institution, association or organisation that is not recognised as part of the Armed Forces of the Union or is not of a purely social, recreational or religious nature.

I would very humbly suggest that no harm could ever be hoped to be done to the Navy or to its personnel by accepting this amendment, because it does not contemplate any change in the first sub-clause.

[Shri V. P. Nayar]

One can understand the anxiety of Government to prevent seamen or personnel of the armed forces from joining any political association....

Mr. Speaker: Here (a) refers to political association.

Shri V. P. Nayar: One can understand why in (a) an attempt is made to prevent seamen from joining any association with any political colour or when it has anything to do with trade union activities. That is not a matter which we want to interfere by an amendment. But as regards (b), it is very necessary that these seamen who have to go out into the sea and live a sort of isolated life, should have facilities for recreation.....

Mr. Speaker: I am not able to follow the hon. Member. In (b), two categories are put—such of the institutions as are not recognised as part of the armed forces of the Union or those that are not of a purely, social, recreational or religious nature. Would not all these come under that?

Shri V. P. Nayar: How?

Mr. Speaker: There is nothing preventing it.

Shri V. P. Nayar: The Central Government can give special sanction to any member to join an association that is not recognised as part of the armed forces or is not of a purely recreational or religious nature.

Mr. Speaker: This comes under the latter.

Shri V. P. Nayar: We want only to amplify it because it is vague. Whether a cultural organisation as such would come within the purview of a society as defined in (b), is a matter of doubt and we want to be more explicit on the point. There could possibly be no harm at all to anybody or to the services or to the country if a soldier or sailor is allowed to participate in, for example, a histrionic troupe, a dramatic club or a music society. Any organisation which is primarily intended for the benefit of its members in the matter of cultural activities should not close the doors to a class of men belonging to the Navy.

Similar is the case with scientific organisations. I do not know whether this will come under any of the categories mentioned here. I think it will not. What is the harm if a member of the Navy joining an association, say, a horticultural society, which has neither political nor trade union activities? Does it come within the purview of the definition given here? It is a matter of doubt and we want to have it clarified and that is why, we submit this amendment. I hope the hon. Minister will have no difficulty in accepting the amendments which will only enable seamen to have greater participation in social activities around them.

Shri Raghuramaiah: The hon. Member certainly does understand our difficulties; only he does not want to appreciate them. There is, if I may submit, nothing in this clause which *suo moto* debars all scientific and other organisations, to which reference has been made. The scope of clause 19(b) is only this, that in the case of purely social, recreational or religious associations, there is no need for any specific permission, but in the case of all other organisations, scientific, cultural or whatever it is, the Central Government retain to themselves the power to examine in each case whether it is really scientific, whether it is really cultural or something else. For instance, in the case of a dramatic club, if it is only dramatic and nothing more than that, the question may not arise.

So the structure of the sub-clause is such that there is no complete ban

on anything. The only thing is that the Central Government reserve to themselves the right to examine each case when it arises and decide whether to accord permission or not.

Shri V. P. Nayar: Just a minute ago, the hon. Minister stated that in the matter of acceptance of resignation, the Central Government should not be burdened with requisitions from various seamen. Here the number will be more.....

Mr. Speaker: Suppose there is a drama staging the theme of one State against another.

Shri V. P. Nayar: That has not happened.

Mr. Speaker: It may eulogise the totalitarian or democratic way of life or the fascist way of life.

Shri V. P. Nayar: There are other provisions for that. When we were discussing clause 14, the hon. Deputy Minister was kind enough to say....

Mr. Speaker: The hon. Member has already spoken.

Shri V. P. Nayar: Let me explain. He has not quite understood the point.

Mr. Speaker: Both the hon. Member and the Minister know English perfectly well.

Shri V. P. Nayar: I do not have any such claim.

Mr. Speaker: But we are talking in English. I will put amendment Nos. 17 and 18 to vote.

The question is:

Page 9,—

after line 38, *add:*

"Provided that it shall be lawful for any person subject to naval law to be a member of any organisation of a scientific, literary or cultural character or of any organisation the membership of which is limited to officers or seamen of the Indian Navy."

The motion was negatived.

Mr. Speaker: The question is:

Page 10, lines 7 and 8,—

omit "or for such other purposes as may be specified in this behalf by the Central Government"

The motion was negatived.

Mr. Speaker: The question is:

"That clause 19 stand part of the Bill".

The motion was adopted.

Clause 19 was added to the Bill.

Clauses 20 to 26 were added to the Bill.

Clause 27—(*Deductions from pay etc., not to be made unless authorised*)

Shri Easwara Iyer: I beg to move:

Page 12—

after line 27, *add:*

"Provided that any deduction shall not exceed one-third of the total monthly emoluments of any officer or seaman during a period of 30 days".

Mr. Speaker: I shall now put this amendment to vote.

The question is:

Page 12—

after line 27, *add:*

"Provided that any deduction shall not exceed one-third of the total monthly emoluments of any officer or seaman during a period of 30 days".

The motion was negatived.

Mr. Speaker: The question is:

"That clause 27 stand part of the Bill".

The motion was adopted.

Clauses 27 was added to the Bill.

Clauses 28 to 30 were added to the Bill.

Clause 31— (*Liability for maintenance of wife and children*)

Shri Supakar (Sambalpur): I beg to move:

(i) **Page 15**—

omit lines 27 to 30.

(ii) **Page 15**—

for lines 31 to 34 *substitute*:

"(5) Deduction may be made from the pay and allowances of such persons on whom the process is served such sum of money as may be prescribed to enable that person to attend the hearing of the proceedings and to return to his ship or quarters after such attendance".

These two amendments are interrelated. First of all, clause 31, as it stands, becomes altogether meaningless unless it is amended. If we try to find out the simple meaning of this clause as it stands, it boils down to this: a person subject to naval law shall not be liable to maintain his wife and children, legitimate or illegitimate I say, this because we find that under the provision as it stands, a person subject to naval law, in order to be saddled with the duty or liability to maintain his wife and children, has to be provided with certain facilities under the procedure provided. First of all, when a person files a suit or case for maintenance against a seaman or officer, as the case may be, he or she, that is, the plaintiff or applicant, has to deposit, before the suit is filed, the money necessary for the seaman or officer to meet the travelling expenses from the naval establishment or ship—it may be in a foreign place—to the place where the case is filed. Also his return journey has to be paid for. This involves a lot of expenditure It has also been provided that there can be no *ex-parte* order or decree in such cases.

So it boils down to this: that unless the person who starts the case is prepared to pay the heavy expenditure necessary for the officer or the seaman to go from his station to the place where the wife or child has filed the case, and then go back to his station, the proceedings cannot go on.

You know that in most cases of maintenance, the plaintiff or the applicant, as the case may be, is a pauper. He or she, in 99 cases out of 100, has not the money even to pay the small expenditure that is necessary and that is why there is a claim for maintenance. To expect in such cases the applicant or the plaintiff, as the case may be, to bear the heavy expenditure is to nullify the provision and to say that unless a sum of money as may be prescribed to enable to attend the court and return is paid along with the summons, the service will not be sufficient and since the service is not sufficient the case cannot proceed and even that a decree passed in such cases or the order will not be effective is to nullify the effect of the clause altogether Therefore, it is necessary to do away with this proviso which says that it must be a condition precedent for the service of summons for the applicant or the plaintiff to pay such a sum of money as may be prescribed It will only deprive the person who is suing for maintenance of his right to do so. It is necessary that this condition precedent should not be insisted upon But, in proper cases it may be provided that deductions, if there is a decree passed in favour of the wife or children, may be made from the pay and allowances of the seaman or the officer. That would be the proper procedure and that would make some meaning.

13-32 hrs.

[MR. DEPUTY SPEAKER *in the Chair*.]

It may be argued by the hon. Deputy Minister that there may be many cases where without sufficient cause a suit for maintenance may be filed There may be frivolous cases. But, it is well-known that even in cases where a pauper goes to court and files a case there is ample provision under Order XXXIII of the Code

of Civil Procedure to protect the interest of the Government and to avoid frivolous litigation. Of course, if the pauper loses the suit, the Government has ultimately to incur some loss. But that is unavoidable in some cases and the amount of loss to be borne by Government is practically negligible in ordinary cases.

In such cases, I think, if the amendment which I have suggested be accepted, there is no reason to apprehend that there will be frivolous litigation claiming maintenance In such cases the courts will apply their judgment and see that the seamen or the officers, as the case may be, are not unnecessarily harassed. If there is a *prima facie* case, of course, it has to be tried and if it is found ultimately that the seaman or the officer is not really liable for maintenance and that the claim is not sustainable, in that case, there is some loss to Government. I believe that in the interests of justice that is the best thing to do and the loss that may ultimately fall on Government would be very negligible. Having regard to the essential need to have a provision like the one in clause 31 of this Bill, I think Government will find their way to accept these amendments.

Mr. Deputy-Speaker: Amendments moved:

(i) Page 15—

omit lines 27 to 30

(ii) Page 15—

for lines 31 to 34 *substitute*:

"(5) Deductions may be made from the pay and allowances of such persons on whom the process is served such sum of money as may be prescribed to enable that person to attend the hearing of the proceedings and to return to his ship or quarters after such attendance."

Shri Easwara Iyer: This clause does not prevent the wife or the child, legitimate or illegitimate, from getting the maintenance which is legitimately due to them. My friend would see that so far as the execution of a decree or order passed for maintenance is concerned he thinks that the pay of the seaman or the officer should always be made liable. I would think that the seaman's pay or the officer's pay is something which is absolutely necessary so far as he is concerned, particularly when he has got to be on the high seas and the efficiency of the service depends upon the pay—not that I am opposed to the wife or the child getting their maintenance.

What this clause says is this. It puts an embargo on the decree being executed under all circumstances. The decree may be executed against his property if he has got that. And, in that case, where the officers of the Navy or the Naval authorities feel that the pay should be made liable for the maintenance of the wife or the child, then, they need not go to court. The authority could be approached. So, there is nothing inequitable in this provision as contained in clause 31. I would think that the efficiency of the service demands that the provision for attaching the pay through court is not necessary.

Even in civil cases, as you know, there are limitations prescribed under the provisions of the Code of Civil Procedure where the pay of a government servant is not attachable subject to a certain minimum. Here is a person who is serving in the Armed Forces, and his pay should be protected. Even the pay of a civil servant is not attached if it is within a particular minimum.

I regret that I have to oppose the amendment that has been moved.

Shri Raghuramaiah: As the hon. Member who spoke before me pointed out, there are other provisions in this Bill which give quick and ready relief to women and children, legitimate or illegitimate who are in need of maintenance. There is clause 31 (2) (a) which provides the relief. The person concerned can approach the Central Government or the Chief of Naval Staff and make out a case. If

[Shri Raghuramaiah]

there is a genuine case, then, certainly, they will act under that clause.

Now, what is suggested is that in regard to proceedings relating to a suit, that is to say, where a person does not resort to the very expeditious and cheap procedure in 31(2)(a) and files a suit in court for maintenance or starts a legal proceeding then the plaintiff should be in a position to have the naval party summoned from any distance, wherever he may be on the high seas or other place however remote and that the cost incurred by such a party should be deducted out of his pay. I may submit that it will tax the person concerned very heavily besides upsetting the service arrangements and so on. It is because of this difficulty that provision has been made for a remedy which is cheap, expeditious and sufficient for the purpose. In view of that I submit that there is no need for this amendment.

Shri Supakar: May I reply?

Mr. Deputy-Speaker: The right of reply is to the Minister when an amendment is moved. I shall now put amendments 45 and 46 to the vote of the House.

The question is:

Page 15,—

omit lines 27 to 30.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 15,—

for lines 31 to 34 *substitute*—

"(5) Deductions may be made from the pay and allowances of such persons on whom the process is served such sum of money as may be prescribed to enable that person to attend the hearing of the proceedings and to return to his ship or quarters after such attendance."

The motion was negatived.

Mr. Deputy-Speaker: Now the question is:

"That clause 31 stand part of the Bill."

The motion was adopted.

Clause 31 was added to the Bill.

Clauses 32 and 33 were added to the Bill.

Clause 34.— (*Misconduct in action by certain officers*)

Shri Supakar: Sir, I beg to move:

Pages 16 and 17—

for lines 35 to 44 and 1 to 9 respectively, *substitute*:

"34. Every person subject to this act, being in command of any of the Naval Ships, vessel or aircraft or naval establishment, who,

(a) fails to use his utmost exertion to bring into action any such ship, vessel or aircraft which it is his duty to bring into action; or

(b) surrenders any such ship, vessel, aircraft or establishment to the enemy which is capable of being successfully defended or destroyed; or

(c) in the course of any action by or against the enemy improperly withdraws from action or from his station or fails in his own person or according to his rank to encourage the persons under his command to fight courageously; or

(d) fails to pursue an enemy whom it is his duty to pursue or to assist to the utmost of his ability any friend whom it is his duty to assist shall,

if he has acted traitorously, be punished with death;

if he has acted from cowardice be punished with death or such other punishment as is hereinafter mentioned; and

if he has acted from negligence or through other default, be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned."

Clause 34(a) as it stands says:

"Every flag officer, captain, commander or commanding officer subject to naval law, who upon signal of battle or on sight of an enemy which it may be his duty to engage, does not use his utmost exertion to bring his ship into action....."

To my mind this creates a difficulty. Modern time makes this clause rather out of date. These are days of scientific warfare. In the last century or in the previous ages, when an enemy ship came into sight, it was possible. But these days, with modern scientific instruments and new inventions, with radars and so on, indication of the exact position of the ship is given long before it is in actual sight. It is absurd to say that an officer of the ship will be taken to task only if he has failed to do his duty when the enemy ship has come in sight. The enemy ship will take the initiative, in that case, and destroy our own ship. It is therefore desirable to do away with this sub-clause and do away with the necessity of waiting till the enemy ship is in sight.

The amendment suggested by me is rather inspired by the latest amendment of the British Naval Discipline Bill that was taken into consideration last year—in 1956. The British law was like ours before it was changed. But, they found from experience in the Second War that it was undesirable.

Sub-clause (b) of my amendment reads: "surrenders any such ship..... being successfully defended or destroyed". Sometimes, the naval officers feel that it is no longer possible to defend the ship and in such cases the scorched earth policy has to be followed. That is preferable to surrender to the enemy because otherwise the enemy gets a dangerous advantage. It may be possible to scuttle the ship or destroy it when it is no longer possible to defend it. If an officer deliberately surrenders a ship in such circumstances, he may also be liable to be punished.

Now, it is rather unfortunate that in amending our Navy Act we have not taken into consideration the latest amendment to the Navy Act by the British Parliament. It is rather unfortunate that we have not learnt by their experience and by the latest thing that has been adopted by the British Parliament, but have gone in for the older law. It is well known that we passed the Army Act and the Air Force Act in the year 1950, it was thought that because the United Kingdom Parliament was examining their Navy Act—at that time the Committee known as Pilcher Committee appointed at that time to go into the necessity of improvements in the Bill and incorporate the amendments suitable to modern trends of scientific advancement was sitting—we might wait for some time till the British Parliament had amended their Naval Discipline Act to suit modern conditions. But although the British Parliament proposed certain amendments in the light of the modern conditions, and although the Select Committee Report was available in our country, we have not profited by those proceedings.

It may be that we are satisfied with our secondhand ships like the "Liberty" ships and second-hand aircraft carriers because we have not sufficient funds.

Mr. Deputy-Speaker: Second-hand ships do not require second-hand Bills.

Shri Supakar: That is what I am submitting. What I am submitting is

[Shri Supakar]

that there is no necessity to have a second-hand or rather an old Bill which does not take into consideration the modern conditions and scientific advancement. It costs no money to have an up-to-date act. I believe that the hon. Deputy Minister will accept my amendment.

Mr. Deputy-Speaker: Amendment moved:

Pages 16 and 17,—

for lines 35 to 44 and 1 to 9 respectively *substitute*:

"34. Every person subject to this act, being in command of any of the Naval Ships, vessel or aircraft or naval establishment, who,—

(a) fails to use his utmost exertion to bring into action any such ship, vessel or aircraft which it is his duty to bring into action; or

(b) surrenders any such ship, vessel, aircraft or establishment to the enemy which is capable of being successfully defended or destroyed; or

(c) in the course of any action by or against the enemy, improperly withdraws from action or from his station or fails in his own person or according to his rank to encourage the persons under his command to fight courageously; or

(d) fails to pursue an enemy whom it is his duty to pursue or to assist to the utmost of his ability any friend whom it is his duty to assist shall,

if he has acted traitorously, be punished with death;

if he has acted from cowardice be punished with death or such other punishment as is hereinafter mentioned; and

if he has acted from negligence or through other default, be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned."

Shri Raghuramaiah: Mr. Deputy-Speaker, Sir, I do not think it would be permissible for me, or the House would like me to disclose the nature of our ships, their condition etc. It is certainly a matter which cannot be discussed in this manner. I have only to say that our ships, whatever be their background and history, are certainly good enough and fit enough to defend the country when the occasion arises.

Regarding the amendment which my hon. friend has suggested to clause 34, he seems to think that we have lost sight of modern conditions in the world. But I may submit that the modern conditions of the world themselves show that the clause would be quite sufficient as it is worded, because it is not as though somewhere there is a declaration of hostilities and nobody knows about it. In these days of wireless and so on, the moment there is a declaration of hostility everybody will know who is the enemy and orders will be issued as to what should be done and what should not be done. Any disobedience of those orders will naturally come under the purview of the various clauses of the Bill. When there is a signal of battle or there is indication that there is declaration of hostilities, then action has to be proceeded with. With regard to sight of a ship my friend knows only the mere physical sight. But with the help of radar and other things one can see as far as 40 to 80 miles away in the high seas.

Therefore, all these things have been considered and it was thought that the clause as worded is quite sufficient to cover all those contingencies. I would, therefore, submit that the clause as worded is quite sufficient and the amendment is not necessary.

Mr. Deputy-Speaker: I shall now put amendmant No. 42 to the vote of the House.

The question is:

Pages 16 and 17—

for lines 35 to 44 and 1 to 9 respectively, *substitute*:

"34. Every person subject to this act, being in command of any of the Naval Ships, vessel or aircraft or naval establishment, who,

(a) fails to use his utmost exertion to bring into action any such ship, vessel or aircraft which it is his duty to bring into action; or

(b) surrenders any such ship, vessel, aircraft or establishment to the enemy which is capable of being successfully defended or destroyed; or

(c) in the course of any action by or against the enemy, improperly withdraws from action or from his station or fails in his own person or according to his rank to encourage the persons under his command to fight courageously; or

(d) fails to pursue an enemy whom it is his duty to pursue or to assist to the utmost of his ability any friend whom it is his duty to assist shall,

if he has acted traitorously, be punished with death;

if he has acted from cowardice be punished with death or such other punishment as is hereinafter mentioned; and

if he has acted from negligence or through other default, be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 34 stand part of the Bill."

The motion was adopted.

Clause 34 was added to the Bill.

Clause 35 was added to the Bill.

Clause 36.– (*Delaying or discouraging the service, deserting post, etc.*)

Shri Easwara Iyer: Sir, I beg to move:

Page, 17 line 27,—

omit "or discourages".

Mr. Deputy-Speaker: The question is:

Page 17, line 27,—

omit "or discourages".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 36 stand part of the Bill."

The motion was adopted.

Clause 36 was added to the Bill.

Clauses 37 and 38 were added to the Bill.

Clause 39.— (*Correspondence, etc. .. with the enemy*).

Shri Easwara Iyer: I beg to move:

Page 18—

omit lines 19 and 20.

Mr. Deputy-Speaker: The question is:

Page 18—

omit lines 19 and 20.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 39 stand part of the Bill."

The motion was adopted.

Clause 39 was added to the Bill.

Clause 40.— (*Improper communication with the enemy*)

Shri Easwara Iyar: I beg to move:

Page 18, lines 26 and 27—

for "without any traitorous intention"

substitute "with traitorous intention"

Mr. Deputy-Speaker: The question is:

Page 18, lines 26 and 27—

for "without any traitorous intention"

substitute "with traitorous intention"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 40 stand part of the Bill."

The motion was adopted.

Clause 40 was added to the Bill.

Clause 41 was added to the Bill.

Clause 42.— (*Mutiny defined*)

Shri Easwara Iyer: I beg to move:

(i) Page 19, line 1—

for "two" *substitute* "five"

(ii) Page 19, line 4—

omit "contempt for or"

(iii) Page 19, lines 4 and 5—

omit "or embarrassing"

Mr. Deputy-Speaker, Sir, throughout this Act, I regret to say, there has been a vagueness so far as definitions of offences are concerned. One such example is regarding the definition of the term "mutiny". "Mutiny" is defined as:

> "Mutiny means any assembly or combination of two or more persons subject to naval law with the common object of—
>
> (a) disobeying or resisting lawful naval authority;
>
> (b) showing contempt for or insubordination to or embarrassing lawful naval authority;
>
> (c) undermining naval discipline in a ship or among a body of persons subject to naval law; or
>
> (d) seducing any person subject to military, naval or air force law from his allegiance to the Constitution or loyalty to the State or duty to his superior officers;
>
> and includes mutiny in the regular Army or Air Force or any forces co-operating therewith."

Now, I take the definition as contained in sub-clause (b) which says that if any officer or any seaman shows contempt, insubordination or embarrassment to naval authority. In fact, I have been searching through the entire enactment to find out the definition of the term "naval authorities". Does it mean any naval officer or the Commander-in-Chief or the Chief of Naval Staff? I have been at pains to know what exactly is the meaning of the term "embarrassing a lawful naval authority". It depends upon the subjective satisfaction of the officer concerned. After this legislation has been enacted, when it comes before a Tribunal and when the Tribunal is put to the necessity of finding out whether a particular act of a subordinate is embarrassing to a naval authority, it will find itself in a very difficult situation.

14 hrs.

For example—I request you to pardon me for saying this—if two naval seamen, who concern themselves in various activities, find that a naval officer has got a pretty wife and pays not too casual attention to her, which will perplex or embarrass that officer. Will it be termed as mutiny so as to involve him in a very serious offence?

Mr. Deputy-Speaker: That will embarrass the husband and not the naval officer.

Shri Easwara Iyer: Suppose the husband happens to be the naval officer.

Mr. Deputy-Speaker: That will embarrass her husband.

Shri Easwara Iyer: That becomes an embarrassment to the naval authority. You will find that the 'naval authority' may mean anybody in the Navy. It is just like the term "embarrassing the Government" in the Government Servants' Conduct Rules. Here, the naval authority is not defined. It is the entire navy. It may even mean a petty naval officer.

We are legislating with respect to offences that may be committed by seamen. So, the offence has to be defined with a certain amount of precision. The definition here is vague, incoherent and ambiguous. This is a case of ill-drafting. When we are put to the necessity of interpreting these definitions we will find that it is more or less a headache, not merely to the Judges who decide the cases, but also to the counsels appearing on behalf of the defendants.

I would, therefore, respectfully submit that the term "embarrassment to lawful naval authority" is unnecessary and superfluous, particularly when we find that the definition is wide enough to include any case of putting hurdles before the naval authority. So, I request that the term "or embarrassment" may be omitted.

Mr. Deputy-Speaker: Amendments moved:

(i) Page 19, line 1—

for "two" *substitute* "five".

(ii) Page 19, line 4—

omit "contempt for or"

(iii) Page 19, lines 4 and 5—

omit "or embarrassing".

Shri V. P. Nayar: This is an amendment through which we seek to modify a provision which involves capital punishment.

Mr. Deputy-Speaker: I am not objecting to your support. I just wanted to know whether there will be speech on every amendment.

Shri V. P. Nayar: When there is a provision in the Statute, we have to be extra cautious about its implications. Otherwise, the very object of these penal provisions will be defeated by courts of law which, as you know, put a rather beneficial construction upon such words which have no specific definition. That is the real difficulty.

We do not want to have the term "embarrassing the lawful naval authority" for the reason submitted by my hon. friend here. I am at pains to know what is really meant by "embarrassment". In the matter of construction of words in penal provisions one has to be extra careful. What is the guide? We do not happen to have English as our language. When English is the language here, probably the question of the ordinary meaning of certain words used in enactments may not be matters for reference to the dictionary. In our case, so long as English is not our language, when a word used in a Statute, and more so in a penal provision, is a matter of little doubt to us in regard to its scope and implication, our safest guide is to find out the meaning as given in some dictionary, which is a standard dictionary.

What is embarrassment? If it is the object of the hon. Minister to bring within the scope of "mutiny" almost every conceivable act, then I agree with him that the word should be retained. But here, when we consider the question of "mutiny", more so when mutiny shall be punished with death, should we not have words in our enactments which are very clear and unambiguous? Should we not include only acts which are equally atrocious as those which are enumerated there? That is the point. I looked into the Chambers Dictionary, which is a standard dictionary.

Shri Jaipal Singh (Ranchi—West—Reserved—Sch. Tribes): What about Oxford Dictionary?

Shri V. P. Nayar: A man from Oxford would like to use the Oxford Dictionary. I have never been to Oxford. So, the Chambers Dictionary came in handy. I find that the word "embarrassment" has a meaning which will certainly take away from the category of offences any act which causes any embarrassment. Embarrassment means perplexity or confusion or difficulty in money matters. I grant that under section 42 there must be a common objective. Common objective should be established. But where is the criminal import of the common objective? Suppose two naval ratings get together and find that one superior officer is or is about to commit something unholy and they want to see that the officer has known that the two ratings have seen it. There is a common object, the common object being that at least by making their presence felt by the officer, he must lose his face. In that case, the requirement of this provision is fully met. If, therefore, two naval ratings choose to appear before an officer—because, as was pointed out, naval authority has not been defined—in a none too happy circumstance, it certainly causes embarrassment to the officer. Whether he is a husband or not is not the question. It causes embarrassment to him and such embarrassment, under the strict construction of this provision, would amount to the commission of an act which is punishable with death. Could there be anything more ridiculous. When we define certain offences which are punishable with the highest penalty which can be given, then the State should not have a word which is of doubtful meaning.

As I pointed out, I was refreshing my memory as to what the interpretation ought to be in the matter of such words, more so in penal Statutes. I think Maxwell is a very safe authority on English. If it is Hindi word, the ordinary sense of it is understood by all of us and we need not refer to dictionary. Some time ago the Chair made the observation that both of us understand the English language. I said I have no claims to that. Does the hon. Minister think that embarrassment will confine within its operation only certain acts, in the ordinary sense in which we understand it from the dictionary and that this will not afford an opportunity for mischief?

Therefore, we do not want the term "or embarrassing the lawful authority" for two reasons, namely (a) lawful authority is nowhere defined, and (b) the term "embarrassment" is so vague that it can be interpreted in any way one likes.

Shri Naushir Bharucha (East Khandesh): May I point out that this is an offence which is punishable with death. That is why it is absolutely necessary to examine all points of view. As you have properly remarked, the instance which my hon friend has pointed out, does not fit in. The embarrassment in that particular case was in his capacity as a husband, not as a naval officer. But there may be instances, for instance, where some seamen may play pranks which may place a naval officer or a naval authority in a very embarrassing position. We do not want these things to be regarded as mutiny punishable with death. Two seamen may conspire together definitely out of boyish pranks to see that a particular naval officer while taking salute or doing something is embarrassed. In that case, it is definitely covered by this. What I would suggest is this. The language should be worded in this way: "insubordination or embarrassment in the exercise of lawful authority". What is actually meant by embarrassment? Embarrassing lawful naval authority. What they want is that in cases of emergency or in the case of normal duty, the naval authorities must not be baffled in what they want to do. What is contemplated is, they must not be embarrassed in the exercise of naval authority. I think the language should be really worded in that way, if we have to remove all such cases which might otherwise be roped in without very serious charge. Let us appreciate

the fact that there is no appeal even in cases of sentence of death by court-martial. Therefore, it behoves us all the more to examine the implications of every word, particularly when we constitute and create a new type of charge of such a serious character. If our language is so loose that it ropes in what normally we would not have even dreamt of as being within the purview of such a section, it would lead to difficulties. I would therefore appeal to the hon. Minister to consent to this section being held over. In the meantime, he may consult and a little later the section may be taken up again.

Shri Raghuramaiah: Mr. Deputy-Speaker, I am glad the hon. Member Shri V. P. Nayar gave out the dictionary meaning of the word 'embarrassment'. That makes my work also very easy. He referred to perplexity and confusion that would be caused. If two or more persons were to conspire, pre-meditate and decide to do something which is going to embarrass or perplex or cause confusion to the person in authority or in command, it is a very serious matter, I would submit, in regard to Armed Forces. What is more, it is not true that every case of mutiny it is punishable with death. I would invite attention to clause 43 where it says, 'shall be punished with death or such other punishment as is hereinafter mentioned'.

Shri Easwara Iyer: Also it says, 'utters words of sedition or mutiny'.

Shri Raghuramaiah: It means any of the lesser punishment cases in the scale of punishments under the Act. It is not correct to say that irrespective of the gravity of the offence, every one will be punished with death in every case. Shri V. P. Nayar knows that there are lighter veins of embarrassment. I myself was a little embarrassed when he spoke about loyalty to the country. There is no section of this House which in any way less particular about loyalty to the country. When he mentioned it however it was a kind of embarrassment. But that is in the lighter side of life. The point is, what is the degree of embarrassment. If there is a conspiracy to embarrass, perplex, confuse those in lawful authority and if that is going to create a serious situation, I submit that serious notice will have to be taken.

Mr. Deputy-Speaker: This is the complaint of Shri V. P. Nayar. If this embarrassment can be caused by simply his talk of loyalty to the country, it may be a minor case, because, he thinks it was a minor case.

Shri Raghuramaiah: It depends on the circumstances. Whether it is a minor or a major embarrassment, it is an embarrassment which cannot be tolerated in the Armed Forces when it is a question of carrying out lawful orders.

Shri V. P. Nayar: Why not give a lesser punishment? By all means provide a separate punishment for embarrassment Do not give the punishment of death for it.

An Hon. Member: Don't call it mutiny.

Mr. Deputy-Speaker: In every case of embarrassment, the punishment of death would not be awarded. A lesser punishment is permissible and that would be given. That is what the Minister says.

Shri Raghuramaiah: After all, the court of enquiry or whoever is going to deal with such cases will bear in mind what is the degree of punishment that should be meted out. I oppose these amendments.

Mr. Deputy-Speaker: I shall now put the amendments Nos. 38, 39 and 40 to the vote of the House.

The question is:

Mr. Deputy-Speaker: The question is:

Page 19, line 1—

for "two" *substitute* "five".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 19, line 4,—

omit "contempt for or".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 19, lines 4 and 5,—

omit "or embarrassing".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 42 stand part of the Bill."

The motion was adopted.

Clause 42 was added to the Bill.

Clause 43.—*(Mutiny punishable with death)*

Shri Supakar: I beg to move:

Page 19,—

for lines 34 and 35 *substitute*:

"(i) if the mutiny is accompanied by violence or threat of violence or takes place in time of war or if all or any of the persons taking part therein are on or under orders for active service, be punished with death or any other punishment hereinafter mentioned;

(ii) in any other case, be punished with imprisonment for a term which may extend to two years or any other punishment hereinafter mentioned."

Sir, you will see, I have sought to make a distinction between cases of an emergent nature where a punishment of death may be called for. These are cases where a mutineer actually threatens violence or uses force or violence with a mutinous intention. Punishment of death may be awarded. Even in other minor cases where there is a serious emergency like a war or when they are on active service or there is an emergency and they are engaged in some battle, or they are doing some duty, or even they are ordered to go on active service, it may be proper to award a sever punishment like death. But, in cases where there is no emergency, where there is no order for active service or where there is no violence as was contemplated in the illustration cited by my three hon. friends who spoke on clause 42, where it may be more or less of an innocent charater or in innocent circumstances or in innocent times, it is desirable that some distinction should be made and punishment should be lighter.

While giving his reply to the discussion on clause 42, the hon. Minister said that there is not only the death sentence provided in case of mutiny, but there are other punishments also provided. It may not be apparent or evident to the officers serving in the court-martial always to have an exact determination of the gravity of the offence or the seriousness of the insubordination or embarrassment caused to the lawful naval authority. So, it is necessary, desirable, to provide that in cases of serious nature, where there is war or there is emergency or there is violence, a serious punishment should be awarded and in other cases, a lighter punishment of imprisonment for two years and a lesser punishment may be given.

So, I hope that this amendment will be accepted.

Mr. Deputy-Speaker: The hon. Member has moved only amendment No. 47, and not amendment No. 43?

Shri Supakar: I have moved only amendment No. 47, and not amendment No. 43.

Mr. Deputy-Speaker: Amendment moved:

Page 19—

for lines 34 and 35 *substitute*:

"(i) if the mutiny is accompanied by violence or threat of violence or takes place in time of war or if all or any of the persons

taking part therein are on or under orders for active service, be punished with death or any other punishment hereinafter mentioned;

(ii) in any other case, be punished with imprisonment for a term which may extend to two years or any other punishment hereinafter mentioned."

Shri Easwara Iyer: I beg to move:

Page 19—

(i) *omit* lines 25 and 26,

(ii) *omit* line 33.

This clause deals with the punishment to be awarded for mutiny. Unfortunately, my amendment to the previous clause was not accepted. So, as the definition of mutiny stands now, it includes embarrassment of a lawful authority. The Minister said that a lesser punishment could be given in that case, and there was nothing to debar the giving of a lesser punishment for crimes committed which were of a lesser magnitude.

But, I would respectfully ask: Why should we give a very dignified definition for a lesser offence? Supposing, in the Indian Penal Code, murder is to be defined as including the killing of a mosquito, and it is also to be said that a day's penitence is sufficient in that case, can it be contended that so far as the killing of a mosquito is concerned, it may amount to murder, although we could give a lesser punishment? A very grave offence such as mutiny is defined, and when I say that embarrassing a lawful authority shall not be brought within the ambit of mutiny, the plea that it can be given a lesser sentence seems to me to be rather paradoxical. Why should it not be defined as disobedience to lawful authority? Another clause could be added, for defining that offence.

We find in sub-clause (h):

"utters words of sedition or mutiny."

What it would amount to is that if a naval rating speaks some words which are embarrassing to a lawful authority, he can be given the punishment of death. He can be sentenced to death, not that he is going to be sentenced to death; possibly, he may be given fifteen or twenty days' punishment. But, nevertheless, a court martial is not debarred by this provision from giving the maximum sentence. It is certainly legal to do so.

Now, the words here are 'utters words of sedition or mutiny.' What exactly do they mean? My humble submission is that since we have accepted a definition of the word 'mutiny' which is rather wide, including embarrassing of a lawful authority, sub-clause (h) may be deleted.

Mr. Deputy-Speaker: Amendment moved:

Page 19—

(i) *omit* lines 25 and 26.

(ii) *omit* line 33.

Shri V. P. Nayar: As I submitted to you, the wording of clause 42 (b) is rather unhappy, because it includes embarrassment. The words 'embarrassing lawful naval authority' are themselves bad. But what is contained in the next clause is even worse.

The Minister, while replying to me, said that even the statement that I owed allegiance to the Constitution embarrassed him. Knowing very well that I did so six years ago, one cannot expect that balance of mind.

Shri Raghuramaiah: May I say that I was referring to his emphasis on loyalty to the Union of India. I was referring to the amendment which was moved sometime back.

Shri V. P. Nayar: That, I suppose, is the very thing for which we either take the oath or make the affirmation. It is loyalty to India. And loyalty to India is loyalty to the Constitution. Even that statement was embarrassing to the Minister. He himself is a lawful authority because he is a Minister. When that is so even in his case, how can we expect his balance and judgment in the subordinate officers working under him? Now, here is a speech in Parliament. Both of us, Shri Easwara Iyer and I have had a discussion on this.....

Mr. Deputy-Speaker: Shri V. P. Nayar is not a seaman.

Shri V. P. Nayar: I am coming to that. In that sphere of activity, my hon. friend and I worked with the common object of not causing any embarrassment, but making a point has embarrassed the Minister.

In a ship, for example, when there is a meeting of the officers and the ratings to discuss some of the problems, two or three ratings may join together and say something which is real, which may cause embarrassment Now, what is the object of punishment? If it is not for deterrent purposes, then there is nothing at all in punishment. And if you want to give a deterrent, should the deterrent of death be put before the rating for such a small offence as uttering a word? Strictly construed, it would amount to this. For instance, when the boys meet in the mess, they may pass any remark—maybe, they do not have the common object of creating a confusion—which may in a little way embarrass the lawful authority. We know that all the superior officers cannot be expected to have the wisdom or the balance and judgement of my hon. friend Shri Raghuramaiah, in the same field in which they work together. It may be that some utterances might lead to some embarrassment, embarrassment of some kind or the other. If they are brought within the mischief of this particular clause.....

Mr. Deputy-Speaker: Unfortunately, at this moment, both sides are causing me embarrassment.

Shri V. P. Nayar: That is all the more the reason why I plead that that word should not be there.

Mr. Deputy-Speaker: I would appeal to both sides to avoid that.

Shri V. P. Nayar: That only adds strength to my argument. If you, Sir, get embarrassed, then there is no question of officers not getting embarrassed at all.

Shri Raghuramiah: May I say that this particular clause in relation to which this word 'embarrassment' occurs has already been adopted?

Mr. Deputy-Speaker: That could only be done if both sides avoid using such expressions. We have very many clauses to go through still, and the time is limited.

Shri V. P. Nayar: I submit with respect that nothing is more important than this particular provision.

Mr. Deputy-Speaker: Quite right. But time should not be spent on extraneous things.

Shri V. P. Nayar: You have certainly the right to pull me up whenever I go astray.

Pandit Thakur Das Bhargava (Hissar): That is also very embarrassing.

Shri V. P. Nayar: Kindly read the sub-clause (h). It is not necessary that two or more persons should get together with the common object of embarrassing and then committing an act. No specific act is necessary at all here. Mere utterance would do. Two or more persons with common object may get together in the deck of a ship and do something. Then, both the persons are brought within the mischief of this clause,

to be visited upon with capital punishment. Can you think of anything like this? I do not say for a moment that if it is an embarrassment, they should be allowed to go free. Not at all. But is this the proper punishment? Even when an overt act is not committed, even when an act is limited only to the speaking of a word or two, should he have this deterrent? Should he have the feeling that if he uttered this, then he would be liable to the sentence of death? Maybe, the tribunal or the court martial may not sentence him. All the same, the deterrent is there in him. Should we, therefore, include these words?

I, therefore, submit that the Minister may reconsider the position and take away the words from these clauses.

Pandit Thakur Das Bhargava: At this stage, I feel it embarrassing to sit down without uttering a word or two on this clause.

Shri V. P. Nayar: We were embarrassed to speak.

Mr. Deputy-Speaker: If there is embarrassment all round, then what is the Chair to do?

Pandit Thakur Das Bhargava: The only thing that the Chair can do is to take away the word 'embarrassment' altogther. In fact, this is not the only word. I have gone through this Bill thoroughly, and as I submitted at the time when the motion for consideration of the original Bill was under discussion, there were many other words which were not clear even to a lawyer, what to speak of an ordinary man. In the succeeding clauses also, there are many words which—if I am not regarded as showing any embarrassment or as being disrespectful or insubordinate to the two Ministers who are lawyers themselves—will not be clear even to the Ministers themselves.

Now, in a state of law in which the meanings are not clear to the persons who are to be governed by that law, I feel that if they do anything they are not to blame. The difficulty is this. In 1950 when we enacted our Army Act and Air Force Act, we felt then also that there was an atmosphere in the Select Committee and whole Parliament in which people had fear psychosis. We were afraid of everything. Whether it was the Army, or the Navy or the Air Force, discipline was the sole word.

I was a Member of the Select Committee at that time, and I remember how our Chairman, Dr. Ambedkar, behaved on that occasion. I feel that the feeling of 1950 has not been obliterated so far; even now in enacting this Bill we feel the same thing. We are shy of everything; if a word, as contained in the English Act, is taken away, we think we will be committing something wrong. It may be that in subsequent years we might improve it, but here I see things which ordinarily no lawyer would agree to being enacted.

What is this word 'mutiny' and what is 'sedition'? Under other laws, two people at least have to join to comit the crime. Here only one person is enough; the words are "Every person who utters words of sedition or mutiny". May I humbly ask what are the words 'sedition' and 'mutiny', which are here condemned? The word 'mutiny' has been defined here, that is, when two or more persons combine with the common object of doing something. You will be pleased to note that from (a) to (g), there are certain acts of omission or commission which form the subject-matter of mutiny. But what is 'uttering mutiny'? This is simply perplexing.

Now what is 'sedition'? So far as sedition law is concerned, we had section 124A of the IPC. Then you

[Pandit Thakur Das Bhargava]

remember that some cases were taken to the High Court and Supreme Court. I refer to Master Tara Singh's and other cases. Then when we enacted our Constitution, we omitted the word 'sedition'. I was one of those who gave notice of a motion that the word 'sedition' be omitted from the Constitution. The rulings given by the High Court and the Supreme Court were such as to give occasion to our amending the Constitution itself. When we amended the Constitution, even then we did not define 'sedition'. Even now, I would beg of the hon. Minister to tell me the meaning of the word 'sedition'. It is nowhere defined yet. In the amendment that we passed, the whole thing was left in an undefined condition.

I have complained several times in this House about this matter Let us adopt some provision so far as this is concerned But up to this time, nothing has been done, and we do not know the meaning of the word 'sedition'. But what I know is this, that so far as sedition is concerned, so far as we understand 'sedition' today, in our law, in the English law and in the American law, sedition cannot be committed by words alone. A person may say anything, but to commit sedition, it has to be accompanied by some act Otherwise, sedition is not committed.

We have read in English history that if a person just said something in 1832 or thereabouts that he wanted reform, he was sentenced to a long term in jail or transported. We know of our own history. If a person uttered 'swaraj' in 1906, we knew what happened. Subsequently, we know what happened. Are we in 1957 going to have the same thing? If any person just utters the words of sedition or mutiny, is he to be considered as having committed sedition or mutiny?

What is the word 'sedition'? Who knows what constitutes sedition? Even the Supreme Court Judges dreaded treading upon this ground. I do not know how seamen would know the meaning of this. We do not know the meaning of these words. I challenge any person in this House to tell me the meaning of 'sedition'. On the other hand, we are going to enact everything here.

I find there are other words also used, 'cleanliness', 'decency', 'cowardice', 'neglect' etc. These words are incapable of being defined; they are not defined anywhere.

The court martial can certainly award the sentence of death. The hon. Minister tells me that there is some other punishment provided. But where is the rule that death sentence will not be awarded? It depends upon the temperament of the persons constituting the court martial. If you allow this sort of thing, there may be certain army officers who may use this power to award the maximum penalty.

Therefore, we should make our law fool-proof I also stand in the same category along with Ministers and other Members of Parliament. We want discipline to be maintained. I do not think that anything should be done which will in any manner affect the rigour of discipline which the hon Minister wants the naval forces to display. At the same time, there is a limit to this. After all, we must not go on enacting things which we do not understand. Unless and until I know the full meaning of the words 'sedition', how can I agree to it? I would rather like that you define what is sedition. You have defined mutiny. But you have not defined 'sedition' in this law.

Therefore, I would beg of the hon. Minister to kindly take these words away. If you kindly look to clauses 42 and 43, you will find that except (h) in clause 43, they are all acts—whoever joins, whoever begins, whoever endeavours etc. I can understand this. All these have reference

to acts or omissions. But simply saying the word 'sedition', without knowing what 'sedition' is, something which does not become sedition.

Shri Naushir Bharucha: May I point out that there is no quorum in the House while we are discussing such an important clause creating a new offence punishable with death?

Pandit Thakur Das Bhargava: My hon. friend knows that we have been having only 25 from the beginning today.

Mr. Deputy-Speaker: The bell is being rung—Now there is quorum. The hon. Member may proceed.

Pandit Thakur Das Bhargava: I was inviting your attention to the fact that in clauses 42 and 43, except in (h) of clause 43, particular acts are mentioned. All are specific acts except (h). For example, failing to give information about mutiny is a very serious thing; same is the case with inciting people to do certain acts. All these are acts which we fully understand. But what do we see in (h)? It says 'utters words of sedition or mutiny'. I am objecting to this very seriously. This is not a thing in which any act is to be done. Merely uttering 'sedition' may not be sedition. We know how 'sedition' has been interpreted in the various rulings. Are these gentlemen, the court martial people, experts in knowing the meaning of the word 'sedition'?

As I have submitted, we do not know what is 'sedition'. Even the Judges do not know now. When the Supreme Court gave its ruling, it held 124A to be invalid. Thereafter we passed the law amending the Constitution and nullyfying the effect of Supreme Court rulings leaving the whole law in a fluid condition. Thereafter we have not done anything in the matter.

Therefore, I would say that we do not know the exact meaning of these words. The word 'sedition' has been left undefined. I would request him to kindly take away the word 'sedition'. Suppose a person merely utters the word 'sedition'. What would happen? Unless there is a mutiny, merely saying 'sedition' will not affect matters in any way. If it was followed by a mutiny with untoward consequences, then I could understand it. But merely saying 'sedition' is something the interpretation of which may differ according to the 'length of the foot of the court martial officers, as they say about recent of equity 'according to the length of the foot of the Chancellor'.

Under these circumstances, I would request the hon. Minister to kindly take away these words. The word 'mutiny' and other incitements etc. would come under the other portions from (a) to (g), but the word 'sedition' should come nowhere there. So you should take away the word 'sedition' which was taken away from our Constitution also.

Shri Jaipal Singh: Mr Deputy-Speaker, Sir, I regret I find myself unable to agree with the opposition here. May I first confess that I am not in a position, never will be in a position, legally to cross swords with my revered friend, Pandit Thakur Das Bhargava? But, on his own admission, certain words are indefinable and they are undefined. Therefore, I would humbly submit that it is because of that very fact that they have not been defined here also.

I think that in assessing the penal clauses of this Bill, we have to bear in mind the other two Acts. This the third and the last Bill is on the same pattern, as I said the other day, as the Army Act and the Air Force Act. When we are discussing clause 42, we would have done well to have borne in mind clauses 37 of those previous two Acts.

A great deal of emphasis has been laid as though penalty were only the

[Shri Jaipal Singh]

penalty of death. But I would that hon. Members see that it is not death only but there is also something else less than death. All these penalties have to be pronounced by courts-martial and, I think, we are being unfair to ourselves in our exercise of common sense in not appreciating the fact of the composition of the courts-martial. How are they composed? They are composed of Indian citizens with the same amount of common-sense, with the same sense of fairplay and justice as ourselves; composed of officers; let us hope they are not different from us. Their sense of justice is no less than ours. I have to stress this because in this debate, as in the debates of 7 years ago, I felt the same thing. There is still animus against the Armed Forces. I am an incorrigible optimist in my respect for the Armed Forces and that is why I have to repeat it here again. They are no longer a mercenary force; they are Indian nationals, just as patriotic as anyone of us here whose duty it is, as it is the duty of all of us, outside and inside this House also, to mete out justice.

It is very important that I should stress this point because if we have no faith in the personnel to which is committed the administration of justice in the Armed Forces, then, this Bill as well as the last two Acts that we enacted 7 years ago, they are all useless. Then, everything had better go to the criminal court or a civil court or everything had better go to the Supreme Court. As I have said previously, I want again to emphasise the fact that no officer is a worthy officer if he cannot command the confidence of the men that he commands. Then there is no basis of justice.

We have heard this afternoon some hon. Members saying as though punishment automatically means the punishment of death. Well, if that is the case, I am certainly prepared to agree with the opposition that has been put up in regard to clause 42.

Coming to 43, a distinction has been made that utterance is not an act. I humbly submit that if we are to substitute this phrase with 'preaches sedition or mutiny' it would be right. I agree with my honourable and revered friend that 'sedition' may not have been defined. I am incapable of defining it. It is incapable of definition in this particular Bill or other Acts. My hon. friend talked of 'a word of sedition'. Here it is, 'words of sedition'. If I were to substitute that by 'preaches sedition or mutiny'.....

Shri V. P. Nayar: Can you give two words of sedition?

Shri Jaipal Singh: I am not seditious nor am I mutinous. But I am very anxious that there should be no distinction between normal times of peace and other times of emergency as has been brought out by my hon. friend here. He imagines that a particular act or crime becomes something different because it is in normal times, and in times of emergency it becomes something else. In that sense, I would oppose his amendment because the same thing should be there under the two circumstances.

I do not think I need stress my point any further. The thing is that the whole set-up is being assessed in the background of discipline. Discipline at no stage must deteriorate. Discipline is the point, whether it is the case of an emergency or normal peace time; because, if there is a little loosening of discipline, the whole fabric collapses.

I need not, I think, develop my points any further. I regret I cannot support the opposition.

Shri Raghuramaiah: I am sorry that.....

Mr. Deputy-Speaker: I have been seeing one hon. Member has been standing there for minutes. I should like he sits down.

Shri Dasappa: He is the Chairman of the Joint Committee.

Mr. Deputy-Speaker: Is the Committee holding meetings here?

Shri Raghuramaiah: Sir, I was saying that I am sorry that Pandit Thakur Das Bhargava for whom I have great respect has thought it fit to condemn this and say that it is a copy of the English Act, and that we are reluctant to depart from the English text and so on. I submit that it is not true more particularly in the case of this clause. We have departed from the relevant section of the English Act and I would ask my hon. friend to peruse that section. Of course, my hon. friend is right that there is no definition of sedition in this Bill but the Indian Penal Code does cover cases of sedition in section 124A. (*Interruptions*). It is true that the word sedition does not occur in the body of that sector. But it has always been understood that sedition means what is contained in section 124A. So many judicial pronouncements have proceeded on that assumption. We have amended the Constitution and I am advised that section 124A of the Indian Penal Code is still valid.

As regards words of mutiny I would like to submit a point which I have already mentioned. It is not the single act of a single individual with a very innocent intention that comes into the picture at all. I would draw the attention of the House too to the wording of clause 42.

> "Mutiny means any assembly or combination of two or more persons subject to naval law with the common object of—"

The important thing is the common object. How does a common object come in unless people think about it and plan about it? Whatever may be said in other branches of life in the case of the Armed Forces, we cannot with equanimity conceive of a joint action by two or more persons to do any one of these very serious acts contemplated in clause 42. I would, therefore, respectfully submit that there is no vagueness about it. There is no question of blindly copying the English Act in this matter. There is nothing more than what is required in the circumstances of the case considering the security of the country, the discipline of the Armed Forces and so on.

After all, mutiny is a serious thing. Even so, the clause does provide for various categories of mutiny which are grave, which are less grave and even with regard to punishment it says, punishable with death or such other punishment as hereinafter mentioned. This, read with subsequent clauses in the Bill, shows clearly that not in all offences it is obligatory to impose the punishment of death. It depends upon the gravity of the offence. All the same mutiny and sedition are very serious and cannot be treated lightly.

Shri Dasappa (Bangalore): May I know why the marginal notes should not be changed. We can have 'punishment for mutiny' instead of saying 'Mutiny punishable with death'.

Shri Raghuramaiah: If we add the word 'etcetera' .....

Shri Naushir Bharucha: In legislation, you cannot use that word.

Shri Dasappa: Punishment for mutiny is just the proper marginal heading to that clause.

Mr. Deputy-Speaker: There could be no harm in that.

Shri Raghuramaiah: I have no objection.

Mr. Deputy-Speaker: I shall now put the amendments to the vote of the House. The question is:

Page 19—

for lines 34 and 35 *substitute*:

"(i) if the mutiny is accompanied by violence or threat of violence or takes place in time of

[Mr. Deputy Speaker]

war or if all or any of the persons taking part therein are on or under orders for active service, be punished with death or any other punishment hereinafter mentioned;

(ii) in any other case, be punished with imprisonment for a term which may extend to two years or any other punishment hereinafter mentioned"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 19—

(i) *omit* lines 25 and 26

(ii) *omit* line 33.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 43 stand part of the Bill."

The motion was adopted.

Clause 43 was added to the Bill.

Clause 44 was added to the Bill.

Clause 45— (*Striking superior officer*)

Shri Easwara Iyer: I beg to move:

Page 20, line 6—

for "his superior officer" *substitute* "any officer or seaman".

Mr. Deputy-Speaker: I shall put amendment No 19 to the vote of the House. The question is:

Page 20, line 6—

for "his superior officer" *substitute* "any officer or seaman".

The motion was negatived.

Mr. Deputy-Speaker: Now, the question is:

"That Clause 45 stand part of the Bill."

Pandit Thakur Das Bhargava: I wanted to say a word in regard to clause 45.

Mr. Deputy-Speaker: He ought to have stood up.

Pandit Thakur Das Bhargava: I did stand up but you were looking into the papers. I do not want to trouble you now. I will speak at the end.

Mr. Deputy-Speaker: The question is:

"That Clause 45 stand part of the Bill."

The motion was adopted.

Clause 45 was added to the Bill.

Clause 46 was added to the Bill.

Clause 47— (*Disobedience and insubordination*)

Shri Easwara Iyer: I beg to move:

(i) Page 20—

omit lines 24 to 26.

(ii) Page 20—

omit line 29.

Mr. Deputy-Speaker: The two amendments are before the House and I shall put them to the vote of the House. The question is:

Page 20—

omit lines 24 to 26.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 20—

omit line 29.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That Clause 47 stand part of the Bill".

The motion was adopted.

Clause 47 was added to the Bill.

Clause 48 was added to the Bill.

Clause 49— (*Desertion*)

Shri Easwara Iyer: I beg to move:

Page 21, lines 6 to 9—

omit "or who at any time and under any circumstances when absent from his ship or place of duty does any act which shows that he has an intention of not returning to such ship or place".

Mr. Deputy-Speaker: I shall put amendment No. 7 to the vote.

The question is:

Page 21, lines 6 to 9—

omit "or who at any time and under any circumstances when absent from his ship or place of duty does any act which shows that he has an intention of not returning to such ship or place".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That Clause 49 stand part of the Bill"

The motion was adopted.

Clause 49 was added to the Bill.

Clause 50 and 51 were added to the Bill.

Clause 52— (*Drunkenness*)

Shri Easwara Iyer: I beg to move:

Page 21, lines 33 and 34,—

for "drunkness" *substitute*: "disorderly behaviour due to intoxication".

I wish to say only a word. The question of being guilty of drunkenness depends upon the degree of drunkenness. A man may be drunk but not loose his capacity for doing things in an orderly manner. So, I want this to be substituted, to be more precise.

Mr. Deputy-Speaker: Amendment moved:

Page 21, lines 33 and 34—

for "drunkness" *substitute*: "disorderly behaviour due to intoxication"

Shri V. P. Nayar: May I ask one question? When we were discussing the provision about sedition, the hon. Minister referred to the I.P.C. and said that sedition had been defined in section 124(a) of the I.P.C Drunkenness here constitutes an offence by itself. In no other law that I know of does it constitute an offence nor is it defined My revered friend, Pandit Thakur Das Bhargava, may be able to help us In certain areas, consumption of alcohol is an offence. A person is to have consumed alcohol because the bulbs of his eyes bulged and he was smelling alcohol and all that. Drunkenness not having been defined in any manner, how do you punish for drunkenness? What is drunkenness as distinct from intoxication from having consumed alcohol?

Shri Supakar: I beg to move my amendments Nos. 48 and 49:

(i) Page 21, line 34—

before "shall" *insert* "whether on duty or not"

(ii) Page 21—

after line 38 *add*:

"(2) for the purpose of this section a person is guilty of drunkenness if owing to the influence of alcohol or any drug whether alone or in combination with any other circumstances he is unfit to be entrusted with his duty or with any duty which he might be called upon to perform or behaves in a manner likely to bring discredit to the navy."

[Shri Supakar]

After my first amendment, it would read:

"Every person subject to naval law who is guilty of drunkenness, whether on duty or not, shall...."

I submit that both these amendments were taken from the British model. They try to do away with the vagueness of the word drunkenness as used here. I feel that if a man who is on duty, or even if he is not on duty, is found drunk and behaves in a manner likely to bring discredit to the navy then he should be punished because in other Acts, as Shri Nayar pointed out, there may not be any punishment for drunkenness. But when a person is assigned certain responsible duties as in the Army, Air Force or the Navy, if he is found to be drunk, he cannot be entrusted with any serious duty. As it is, the clause is vague and I have tried to define it by the sub-clause which I propose to insert. I believe that this is a satisfactory definition of the drunkenness.

Mr. Deputy-Speaker: Amendments moved:

(i) Page 21, line 34—

before "shall" *insert* "whether on duty or not".

(ii) Page 21—

after line 38 *add*:

"(2) for the purpose of this section a person is guilty of drunkenness if owing to the influence of alcohol or any drug whether alone or in combination with any other circumstances he is unfit to be entrusted with his duty or with any duty which he might be called upon to perform or behaves in a manner likely to bring discredit to the navy."

15 hrs.

Shri C. R. Pattabhi Raman (Kumbakonam): Sir, I am also labouring under the same difficulty. The word "drunkenness" as it now stands will really imply all the nuances of the Prohibition Law. I am sure, Sir, you are aware of it. In good many parts of the country where there is prohibition proof is usually let in of people smelling of drink. Most police officials come and say that they smelt drink. That may sound very queer. I do not think in the Naval Law we are going to stop drinking. At least that is not envisaged at present. We may come to a stage when we may stop drinking. "Drunkenness and disorderly behaviour" is a legal phraseology. The moment a sailor goes beyond the border of a decent behaviour, after having one or two cups, then he comes within the clutches of the law; otherwise a mere drink will not make him culpable. I do not know whether I have made myself clear. "Drunkenness" here will really imply all the various fine shades that are introduced as a policy for stopping drinking. It is not the policy for the Army and Navy at least for the time being. Therefore, I do not know whether the Minister would be pleased to consider this aspect and say only "disorderly behaviour". "Drunkenness" there would mean bringing in all the prohibition offences that are now taken cognizance of by the various criminal courts.

Mr. Deputy-Speaker: Shri Jaipal Singh.

Shri V. P. Nayar: Let us hear him.

Mr. Deputy-Speaker: Without his giving an indication I intended to call him.

Shri Jaipal Singh: I feel very strongly about drunkenness. By nature I am very accommodating. I do not expect everyone to accept my standard of good living. I regret that although I have not submitted a Minute of Dissent I have now, Sir, if you will permit me, to state that I do not agree with this "advance", with this so-called democratic proletarian "advance" that is alleged to have been

made in this Navy Bill by the Joint Committee by having bracketed the officers with the non-officers.

I do think that the ratings deserve more kindness from us. I am saying this because I come from a tribal area, and I am proud to say that there are quite a good few tribal people who are in the Indian Navy. Prohibition has failed dismally in the tribal tracts, and it will continue to fail regardless of what we may enact here or elsewhere.

I am all for drink, but I am all against drunkenness. Let there be a difference drawn. When you are fighting in the heights of Zojila Pass and the like vegetarianism and prohibition is not going to help us. Let us accept this fact. I am not going to force my way of living on others. But I would like others to appreciate that they should not force their way of thinking, their way of philosophy and all that on me. That is all that I say.

I do think I have a right even at this hour to appeal to the Treasury Benches, despite the recommendations of the Joint Committee, that this equating factor of the officers and others being equally punishable, equally subject to this particular clause, be removed. Why I say this is this. It is a patent fact in this country, whereas people who are better paid can buy better drinks people who are not so well paid, unfortunately, have to drink cheap drinks. Very often they drink something and they do not know that it is the bad drinks which affect them. It is very simple for the ratings to get drunk, and in their case the crime of drunkenness as is sought to be painted here is not of the same gravity as the drunkenness of the officer.

I would humbly appeal to this House not to brag about this democratisation of the officers with the ratings, but rather realise the fact that punishment has to be in accordance with the responsibility that a particular person bears. So I would really like to divorce the officers from the ratings in regard to this particular penal clause. And, as my hon. friend, who knows very well legally and otherwise the consequences of drunkenness, has pointed out . . . . (*Interruption*)— Sir, have I said anything unparliamentary?

Mr. Deputy-Speaker: The only difficulty was that the hon. Members could not follow and appreciate what that "otherwise" was.

Shri Jaipal Singh: Well, anything that is not legal is "otherwise". The point is, here the expression is: "if the offence is committed on active service". The offence is there only while the particular person is on active service. Therefore, the question of prohibition laws, which once resounded throughout the country, really do not apply because the particular person has to be in actual active service.

So I would appeal to him, if I may use an expression which is not often used here, to my Hon. friend over there, to think again and think hard and not put the ratings and others on a par with the officers. Let the punishment be commensurate with the responsibility which a particular officer has to bear. Let us not invoke democracy, equalisation of punishment and the like because it does not bear well in this particular context.

Shri Dasappa: There is the other punishment if he is not on active service.

Mr. Deputy-Speaker: He wants to distinguish between officers and ratings, a definite punishment for each of them.

Pandit Thakur Das Bhargava: My friend just told us in very eloquent words that these officials of court martial belong to our society, they understand our men, they fully understand the liabilities of persons

[Pandit Thakur Das Bhargava]

who are serving, they also know the society etc. May I just appeal to him to just consider this very point from the same point of view? After all they are our own officers and they fully understand our people.

Shri Jaipal Singh: Sir, I am very proud to have converted my hon. friend.

Mr. Deputy-Speaker: Only if he listens a little more.

Pandit Thakur Das Bhargava: I only want that he stands converted to his own views and the very argument he used in regard to this word "sedition". The very same argument he will appreciate now. I think he will agree with me that instead of converting me he stands converted to my view.

Apart from that, I quite see his point. I for one do not like that this clause 52 should be utilised for the purpose of enforcing prohibition. So far as intoxicants are concerned, we have got a particular article in our Constitution. We also know the policy of the Government of India in that matter. At the same time, I do not want that this section should be used for the purpose of enforcing prohibition on people of the way of thinking of my hon. friend He is quite right there.

At the same time, in so far as the question of equality between ordinary seamen and officers is concerned, I am sorry I have to join issue with my friend again. Drunkenness in the case of seamen will not be half so harmful as drunkenness in the case of officers. We all know that when a person is fully drunk, he may behave in a disorderly manner, though in the case of habitual drunkards it may be a little bit less. But, drunkenness in the case of an officer will be much more harmful than in the case of an ordinary sailor. Though there is the question of equality, if I am left to myself, I would say that the officer must be given more severe punishment than an ordinary seaman.

Mr. Deputy-Speaker: Both of you agree that there should be difference. For which class severe punishment should be given, that will come later. For the present, both of you agree that there should be different punishments for officers and ratings.

Pandit Thakur Das Bhargava: There is no harm in providing more punishment for officers.

Shri Jaipal Singh: In the Bill as it originally stood, only an officer was punishable. Now both of them have been bracketed together or, as the hon. member puts it, it is the other way round now.

Pandit Thakur Das Bhargava: An officer has to be punished more severely. My friend was saying that if a peg is given to an officer, he will show more bravery and courage.

Shri Jaipal Singh: I did not say so

Pandit Thakur Das Bhargava: He spoke about vegetarians also. I join issue with him there. It is entirely wrong to say that those persons who do not drink will not be brave Those who will not drink can in no way be said to be less brave. I come from an area in which no person takes meat or drinks. Most of them go to the army also. So, I can say from personal experience that those persons from our area who do not drink and who do not take meat are as brave as any other soldier of our country. So, the contention of my friend that a person must drink and take non-vegetarian food in order to become brave is entirely wrong.

Shri Raghuramaiah: I will take up the last point first. Under the clause, as it stands, the equality of punishment meted out to officers and others is only a seeming equality, if I may

say so. Actually, there is a difference. The clause undoubtedly gives the maximum punishment of two years in both cases for those who are in active service. In other cases the maximum punishment is six months. The relevant section is 82(4) which gives a proper idea as to what a punishment of imprisonment implies in the case of an officer *vis-a-vis* one who is not. Section 82(4) says:

> "The punishment of imprisonment for a term not exceeding two years may in all cases be accompanied by a sentence of dismissal with disgrace or dismissal from the naval service:
>
> Provided that in the case of officers, unless the sentence of dismissal with disgrace is also awarded, such sentence of imprisonment shall involve dismissal from the naval service."

Therefore, the position is that when a punishment of imprisonment is imposed on an officer under clause 52, automatically, under the provisions of clause 82(4) the officer stands dismissed. It is not so in the case of seamen. Therefore, there is a difference. The improvement which the Select Committee made is this. Under the clause as it stood when the Bill was introduced and before it went to the Joint Committee, the punishment in the case of an officer was dismissal with disgrace. It did not involve imprisonment. Now, after the amendment, it has been enhanced to include not only dismissal, but also imprisonment.

As regards the other amendment, the term referred to was "disorderly behaviour". The difference in the views expressed by hon. Members itself shows how difficult it is to give an exhaustive definition. With reference to the point raised by my hon. friend, Shri Pattabhi Raman that there must be a definite disorderly behaviour I may submit that in certain circumstances you can create a very complicated, difficult and dangerous situation by merely putting your legs on the chair. It need not necessarily be a positive disorderly behaviour. You can create all the complications and dangers when you are, say dead drunk or just moving about without understanding what is going on. This expression, in the same way as other expressions like cowardice and so on, will be properly interpreted in the armed forces. Nothing is gained by trying to restrict the scope of the expression which is very well understood.

Mr. Pattabhi Raman was saying that under the State prohibition laws even 'smell' is an offence. Well, we do not happen to have the same interpretation here. May I say that there is no question of smell alone here. Under a State Prohibition Act, even the possession of liquor is an offence? The consumption of liquor may be only up to the tip of the tongue. It may not have even gone to the palate. It does not matter. Even touching the liquor that way may be sufficient to make it an offence under the State Acts.

Here the expression is drunkenness. What is drunkenness is a matter well-understood. The clause also provides more severe punishment in the case of officers than in the case of ratings, as it should be. Therefore, I submit that the amendments may be rejected.

Mr. Deputy-Speaker: I shall now put amendments 8, 48 and 49 to vote.

The question is:

Page 21, lines 33 and 34—

for "drunkenness" *substitute* "disorderly behaviour due to intoxication".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 21, line 34—

before "shall" *insert* "whether on duty or not".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 21—

after line 38, *add*:

"(2) for the purpose of this section a person is guilty of drunkenness if owing to the influence of alcohol or any drug whether alone or in combination with any other circumstances he is unfit to be entrusted with his duty or with any duty which he might be called upon to perform or behaves in a manner likely to bring discredit to the navy."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 52 stand part of the Bill".

The motion was adopted.

Clause 52 was added to the Bill.

Clauses 53 to 83 were added to the Bill.

Clause 84—(*Arrest without warrant*)

Shri Supakar: I beg to move:

'Page 32—

omit lines 7 to 11.'

The purpose of my amendment is to omit sub-clause (2) of clause 84. While moving this amendment, I am very much conscious of the necessity of maintaining strict discipline in the armed forces. If you read this sub-clause along with clause 45, which now forms part of the Bill, you will see that there is a contradiction in the law. You will see that in clause 45, it has been provided:

"Every person subject to naval law who commits any of the following offences, that is to say,

(a) strikes or attempts to strike his superior officer; or

(b) draws or lifts up any weapon against such officer; or

(c) uses or attempts to use any violence against such officer;

shall be punished....."

In this sub-clause, it is said:

"A person subject to naval law may arrest without warrant any other person subject to naval law though he may be of a higher rank who in his view commits an offence punishable with death, or imprisonment for life or for a term which may extend to fourteen years."

You will see that so-called offences punishable with death or imprisonment for life or for a term which may extend to 14 years, in many cases, are not quite definite. In many cases, they are questions of subjective interpretation. What a person considers to be sedition, for example, may not be so in the opinion of another person. Take, for example, the question of embarrassment to which a lot of reference has been made just now by the Members who spoke on the earlier clauses. To say that a person subject to naval law may arrest without warrant when he finds that another officer of a higher rank is committing a certain act which he, according to his own standard of judgment, may consider to be sedition or an offence punishable with death, but which when it goes before court-martial, for example, the Members sitting in court-martial may think that that is not an offence punishable with death or imprisonment for life or for a term which may extend to 14 years, is not proper. They may think that it is a small offence. Then, the person who has arrested the person who is a superior officer, comes under the mischief of section 45. It is better for the sake of maintaining strict discipline in the Navy to do away with this sub-clause. We may say that if a person finds that a superior officer is committing a certain act which may be a serious offence, it should be his duty to report to an officer who is senior to such person who is committing such an offence. It would be dangerous to

provide here that he may take, what I may say, the law into his own hands and thereby create grave indiscipline in the Navy.

Mr. Deputy-Speaker: Amendment moved.

'Page 32—

omit lines 7 to 11.'

Shri Raghuramaiah: I may say at the very outset that discipline is not a one way traffic and good behaviour is applicable to all persons of the Services whether they are officers or other ranks, whether superior officers or subordinate officers or otherwise. But, the situation contemplated in clause 84(2) is one where a person is found committing a serious offence. It may well be that in a particular case, the superior officer is found committing an offence. Power is given to any one who is present there to arrest him. Of course, he does so with all the risk that it involves depending on whether it is a genuine case or not. The power must be there. We cannot say that only persons in subordinate positions will be guilty of offences and, therefore, power should be given only to officers to arrest and not *vice versa*. Even under the ordinary law of the land, under the Criminal Procedure Code, there are circumstances where any person can arrest. Therefore, I submit that this is a very salutary provision and it should be there. No amendment seems necessary.

Mr. Deputy-Speaker: I shall now put amendment No. 44 to the House.

The question is:

'Page 32—

omit lines 7 to 11.'

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 84 stand part of the Bill."

The motion was adopted.

Clause 84 was added to the Bill.

Clauses 85 to 92 were added to the Bill.

Clauses 93 to 146

Mr. Deputy-Speaker: Amendment No. 24?

Shri Easwara Iyer: I am not moving.

Mr. Deputy-Speaker: New clause 146-A?

Shri Easwara Iyer: I am moving that.

Mr. Deputy-Speaker: The question is:

"That clauses 93 to 146 stand part of the Bill."

The motion was adopted.

Clauses 93 to 146 were added to the Bill.

New Clause 146A

Shri Easwara Iyer: I beg to move:

Page 55—

after line 24 *insert*:

"146A. All sentences passed under this Act shall be appealable to such courts having jurisdiction to hear and decide appeals from such sentences as if such sentences are passed by courts of competent criminal jurisdiction under the Code of Criminal Procedure."

This amendment relates to the subject of appeals from sentences of court-martial tribunal. This matter has been dealt with at great length in this House. The hon. Minister was not kind enough to accept our arguments regarding the position of appeals from a court-martial. Once again, I would request the hon. Minister to consider whether it is not desirable to have a sentence of death or sentence of life imprisonment being subject to the scrutiny of a higher tribunal like a High Court or Supreme

[Shri Easwara Iyer]

Court. I would say that particularly in view of the fact that the procedure prescribed for the trial of a prisoner before court-martial is different from the procedure prescribed under the Criminal Procedure Code. A provision may be made so far as some accused are concerned that their case may be subject to the scrutiny of a higher tribunal. I do not wish to deal at great length once more with regard to this matter. But, I would only request the hon. Minister that this clause 146-A which I am proposing as an additional section may be incorporated in the enactment.

Shri Supakar: In supporting the provision for an appeal from court-martial decisions, several arguments have been put forward in this Parliament. I want to say that apart from other considerations we find that the Government have taken on themselves the power of revising the cases of punishment by suspension of sentences and considering those cases from time to time. If you look at clause 164 sub-clause (1) you will find that the Central Government or the officer who by virtue of the foregoing section or section 150 has power to issue an order of committal may suspend the sentence, may consider the case at any time and shall at intervals of not more than three months reconsider the case. The case may be reconsidered by the Central Government or the committing authority or the prescribed officer and if on such reconsideration, it appears to the Central Government or the committing authority or such prescribed officer that the conduct of the offender since his conviction has been such as to justify a remission of the sentence, the Central Government or the committing authority or such prescribed officer shall remit the whole or part of it.

The Defence Minister who is unfortunately absent from India, laid great stress in his reply to the initial debate, on this salutary feature of this Bill where it is stated that these persons who are punished have this advantage over the ordinary criminals who are punished by criminal courts inasmuch as their cases may be reviewed from time to time by the Government and if their conduct improves and if they behave properly, their sentence may be remitted from time to time.

But what happens when a man is sentenced to death is that he is executed, and once he is executed, he is dead, and he cannot get the advantage of this salutary provision. So, it is all the more necessary that at least in those cases where the person is sentenced to death, and he has not got the advantage of his case being reviewed at an interval of three months, there should be some sort of a court of appeal This appellate Court may not consist of High Court judges or advocates who go to the High Court or to the Supreme Court, but it may consist of persons who have some judicial background, that is, persons who have been judicial officers or advocates of ten years' standing. If that is done, then persons who are sentenced to death will have at least one more opportunity for having their cases heard once again. That at least would do some justice, and make some difference between the living and the dead.

When a person is condemned to death, he does not have the special advantage or special consideration that is shown to persons who are sentenced to imprisonment and who, therefore, have the chance of their cases being reviewed from time to time at an interval of not less than three months. So, let us provide for some court of appeal at least in those cases of capital nature.

Mr. Deputy-Speaker: Amendment moved:

Page 55—

after line 24, *insert*:

"146A. All sentences passed under this Act shall be appeala-

ble to such courts having jurisdiction to hear and decide appeals from such sentences as if such sentences are passed by courts of competent criminal jurisdiction under the Code of Criminal procedure."

Shri C. R. Pattabhi Raman: I was wondering whether I could have your indulgence just to think aloud on this matter a little bit I just want to say this.

The wording used by my hon. friend on the opposite side may not be quite proper, perhaps. But I feel that Government should be pleased to consider, or, at any rate, bear this in mind that countries with a big military and naval tradition behind them, such as England, Australia, Canada and America have from 1950 onwards thought it fit to have a board. They call it only a board; they are not calling it anything more than that, because, to have or to drag in judges and so on would make it more complicated.

I am wondering whether it would not be advisable to make every man in the fighting forces feel that at no time would any injustice be done to him, and that he can always appeal to a board. If that attempt too fails, then that is a different matter. But some such board should be there. Of course, the functioning of the board can be suspended during an emergency.

It should not be left open to any man in this country to say—and quite often, people do come out and say—'Because I belong to this part of the world, or because my nose is long, or because I am dark, I have got this punishment. The man who punishes me belongs to some other place; he is yellow, he is slightly white-haired and so on. That is why I am being punished' and so on. We should not give any room for any of these thoughts and meaningless differences to lurk in the minds of the fighting forces. So, I would suggest that the Minister may be pleased to consider the creation of such a board.

After all, in all those countries to which I have referred, the personnel of the board is usually appointed in consultation with the Lord Chancellor, in the case of England, and some high judicial functionary in other places They are all people with some legal equipment. When I say lawyers, others may interrupt me and ask why I want to bring in lawyers and judges here. After all, you must remember that lawyers are not one whit less patriotic, not one whit less disciplined than any other person in the world. We are all for the country. We do not cease to be patriotic citizens simply because we are lawyers We are not just money-making machines

So, I do feel that it may be advisable to make every man feel that no injustice will be done to him and that there will be a board to which he can appeal as a last chance, a board consisting of just two or three men We may not slavishly copy what obtains in other countries. But I feel that there should be some such board

I wonder whether the Minister will bear this in mind, and if not now, at least some time or the other, give some thought to it.

Shri Dasappa: I also join my little voice in support of the stand taken by my hon. friend Shri C. R. Pattabhi Raman. I somehow feel that this beautiful piece of legislation which has my wholehearted and warm support just suffers from a—I would not say, taint, but—lacuna, in so far as it does not accept the well-known policy of providing for an appeal in a severe case such as the one that has now been put forward, namely death or imprisonment for life.

The Minister was pleased to explain the position. But there was nothing in his speech which could convince me. I wonder if there is any one hon. Member of this House who stands convinced by his reasoning.

Mr. Deputy-Speaker: That would be decided by votes, not by this conviction.

Shri Dasappa: I think you are perfectly right. Conviction, of course, is one thing. Sometimes, true to the discipline which my hon. friend expects from his Naval Forces, a certain attitude has got to be taken, and we have got to go with the majority. Otherwise, democracy would not function. But it is always open in a democracy to carry conviction to the majority and convert them to our view. The minority can convert the majority to the view of the minority.

My hon. friend was saying that a tribunal or an appellate tribunal could be anything. But we find in U.K. the sole appelate authority is the Lord Chief Justice of England. The position there is:

> 'In the United Kingdom, the Courts Martial (Appeal) Act, 1951, provided for right of a first appeal to the Courts Martials Appeal Court consisting of the Lord Chief Justice of England and other judges of the High Court, Lords Commissioners of Justiciary and other legal men. This appeal shall lie both on points of fact and law.'.

This is very important. And we find further:

> "Further, there is a right of second appeal to the House of Lords on points of law'.

Now, why is it that they have come to this conclusion? Is it the result of some fancy on the part of those people, or is it the result of a long experience in the handling of these court martial cases?

Pandit Thakur Das Bhargava: Tradition.

Shri Dasappa: As I said, I know of court martial cases. I do not say that they are all angles in the court martial. I know of certain court martial cases where things have gone wrong merely because of certain prejudices. I am sorry I have got to say this, but the fact is that it is not that these prejudices are the monopoly of the non-Armed-Forces people only. They are there sometimes in the Armed Forces also, though it is true that the Armed Forces do not suffer from certain prejudices.

But I ask: Where is the safety or security in a case where things go wrong because of certain prejudices? India, I am sorry to say, is yet to be emotionally integrated. In a case where admittedly that fine emotional integration among the various people inhabiting this country has not yet come about—it is in the process; I am glad to say that we are much better off today than we were before, in spite of certain evidences here and there to the contrary—the appeal would be the only safeguard which legislation can provide. I would like to know why the Minister is against such a provision.

I am unable to understand this. Suppose we do provide for a thing like that. What is the harm that it will do? Would it cause any unnecessary delay or anything like that? As my hon friend said, if it is in a state of emergency, practically most of these pieces of legislation may have to be suspended in a state of emergency. But we are not talking of cases of emergency.

Therefore, I think it would be all for the better if the hon. Minister could make up his mind to accept a provision, which may be worded in his own way with any safeguards which he may choose to incorporate in it, which would allow for appeal. That would certainly make this piece of legislation most welcome to the House.

Shri Raghuramaiah: As I said the other day, Government have given this matter their most careful consideration. It is certainly a very important matter. It is a matter which has been considered at all levels, and Government are satisfied that the present provisions in the Bill may stand. There are, if I may submit, very good reasons.

In the first place, it is true that in other countries like U.K. they have made some provisions regarding appeals. We do not know the exact experience which they have had all these years. After all, it is only recently that in the U.K. the Naval Act has a provision of this kind in it. We do not know where it has Act has gone wrong and why they thought it necessary.

In our country, as I mentioned the other day, there has been no case of grave miscarriage of justice, at any rate none of which Government are aware. The machinery that has been in existence has proved quite satisfactory. We have in the first place, a Judge Advocate General who has qualifications comparable to those of a High Court Judge, reviewing every case. After that, it has to go to the Chief of the Naval Staff and in certain circumstances, to the Central Government.

Cases like death sentences have been lightly referred to. As I mentioned, there has been no case of imposition of death sentence since 1954. I have already given the statistics. We have a happy family going on nicely with no instance of grave injustice brought to notice. If you were to impose a separate huge complicated machinery, what would be the position? Even in ordinary civil law, we talk of delays of law, miscarriage of justice by mere elongation of the administration involved in that and so on and so forth.

Take the case of a man who commits an offence on high seas. Is he to be told: 'All right. You wait till we go back and the appeal is decided'. We have to go by what is our experience. After all, our forces have only just begun to build up.

Shri Dasappa: In any case, he can appeal to the Government—to the Central Government or to the Chief of Naval Staff.

Shri Raghuramaiah: Government can certainly be more quick about these things. I am sure that my hon. friend, who is a lawyer, will agree that reference to court will certainly be a little more complicated and likely to involve more delay than reference to the Central Government.

The important point is that our experience so far has been that the system has worked well. No case of grave miscarriage of justice has been brought to our notice. What is more, to the salutary provisions contained in the present Bill the Joint Committee was pleased to insert a provision giving the right of hearing to the aggrieved person when the matter is being reviewed by the Judge Advocate General. That is a very helpful provision. As I mentioned, in cases of death sentences, confirmation of the Central Government is absolutely necessary.

Considering all these things, it has been felt that no additional provision need be made in this matter. I am glad that my hon. friend has himself admitted that in certain cases, in matters concering discipline and so on, certain restrictions are necessary—I think some reference has been made by Shri Dasappa to the Members. He referred to discipline and the requirements of discipline. I am glad he made that distinction; that becomes very vital for the consideration of the question under discussion. This is a matter which has also relevance to discipline, and we cannot deal with it lightly. Whatever be the experience of other countries, our experience has been that the present provisions are sufficient. It is in this view and not treating it in any light manner that Government have come to the conclusion that the present provisions may stand as they are.

Shri Bimal Ghose: Is Shri Dasappa convinced now?

Mr. Deputy-Speaker: I shall now put amendment No. 25 to vote.

The question is:

Page 55—

after line 24, *insert*:

"146A. All sentences passed under this Act shall be appealable to such courts having juris-

[Mr. Deputy-Speaker]

diction to hear and decide appeals from such sentences as if such sentences are passed by courts of competent criminal jurisdiction under the Code of Criminal Procedure."

The motion was negatived.

Clauses 147 to 149 *were added to the Bill.*

New Clause 149A

Shri Easwara Iyer: I beg to move:

Page 56—

after line 6, *insert*:

"149A. No sentence of death under this Act shall be executed unless the said sentence has been confirmed by a High Court of competent jurisdiction as if such sentence has been passed by a court of Sessions".

It is with a certain sense of disappointment that I am forced to move all these amendments. I would say that it is a case where I have been making repeated attempts to find a place for appeals regarding cases of sentences inflicted upon the poor ratings or officers who have been condemned.

In this amendment, I am only concerned with the question of sentences of death.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

15.46 hrs.

At least regarding sentences of death, let the correction be made. I am a little bit perturbed when I find that offences have been very loosely defined, when something embarrassing to the naval authorities may constitute offences like mutiny for which the death punishment is being given. When all these cases are there, it is subject to the scrutiny of a person who may not be well versed in legal matters. So, I would say that even when the court martial consists of every intelligent persons having a sense of justice, as my hon. friend here was pleased to say, even when persons who are well versed in naval matters constitute the court martial, still the question of interpreting these in the light of the definition that has been given in the Act is difficult. I would earnestly make one more attempt to convince the Minister that in cases at least of grave offences for which there is a sentence of death passed, it may be subject to the scrutiny or correction of confirmation of the High Court or Supreme Court. That prompts me to move this amendment.

Mr. Chairman: Amendment moved:

Page 56—

after line 6, *insert*:

"149A. No sentence of death under this Act shall be executed unless the said sentence has been confirmed by a High Court of competent jurisdiction as if such sentence has been passed by a court of Session."

Shri Tangamani (Madurai): I would like to add a few words on amendment No. 26. Clauses 147—149 deal with sentences of death. They have been left as they are and absolute power has been given to the court martial. The only safety valve mentioned by the hon. Minister when he was replying previously is that they have to receive certain orders from the Central Government. But the practice as adumbrated in the Criminal Procedure Code in this country has always been that whenever a particular person is sentenced to death by a competent court, it is reviewed by a higher judicial authority, particularly the High Court. Whenever a person is sentenced to death under section 302 of the IPC, there is always what is called a referred trial before the High Court. The referred trial is more or less compulsory, an appeal which is open to the accused. It is more in the nature of referring it by way of a second trial. Whenever a death sentence is passed by the sessions court, the

order always reads: "This death sentence is subject to confirmation by the High Court".

In confirming the sentence of death the High Court peruses the entire evidence and it is much more than an appeal. Only after the sentence of death is confirmed it is executed. The High Court has got perfect freedom to interfere with the sentence. They can impose a lesser sentence or acquit the accused.

Amendment 26 reads as follows:

> "No sentence of death under this Act shall be executed unless the said sentence has been confirmed by a High Court of competent jurisdiction as if such sentence has been passed by a court of Sessions."

It has, in other words, put what has been the practice in this country. What has been allowed to ordinary civilians should not be denied to them. No doubt, it is true that these naval ratings have got to be under stricter discipline but in the case of the death sentence at least there should be equality as between civilians and the naval ratings.

With this I commend this amendment to the House.

Shri Raghuramaiah: May I say, Sir, that nobody is more interested in the life of the persons belonging to the Armed Forces than the Government themselves, naturally. And that is why specific provision has been made, requiring confirmation by the Central Government—in cases of capital sentence. Also as I mentioned, for the last so many years capital sentences have not been there in regard to naval personnel. But, anyhow, the safeguard is there and such cases will be considered with all care and caution. And, I cannot conceive of any authority which will do it more effectively and more interestedly than the Central Government. For this reason, the amendment may be rejected and the clause as it is now may be voted.

Mr. Chairman: I will now put the amendment to the vote.

The question is:

Page 56—

after line 6, *insert*:

> "149A. No sentence of death under this Act shall be executed unless the said sentence has been confirmed by a High Court of competent jurisdiction as if such sentence has been passed by a court of Sessions."

The motion was negatived.

Clauses 150 to 159 were added to the Bill.

New Clause 159A.

Shri Easwara Iyer: Sir, I beg to move:—

Page 59—

after line 17, *insert*:

> "159A. No sentence shall be passed nor any punishment inflicted under this Act unless the person affected had been given an opportunity to show cause against such sentence or punishment."

Mr. Chairman: The question is:

Page 59—

after line 17, *insert*:

> "159A. No sentence shall be passed nor any punishment inflicted under this Act unless the person affected had been given an opportunity to show cause against such sentence or punishment."

The motion was negatived.

Clauses 160 and 161 were added to the Bill.

New Clause 161A

Shri Naushir Bharucha: Sir I beg to move:

Page 60—

after line 4, *add*:

"CHAPTER XV-A

> 161A. Notwithstanding anything contained in this Act, where any person subject to naval law

[Shri Naushir Bharucha]

considers himself aggrieved by a finding or sentence of any Court martial, where such sentence is of imprisonment extending to six months or more, or any punishment inflicted falls under clauses (a), (b), (c), (d), (e), (h) and (m) of section 81, an appeal shall lie to the High Court from such finding or sentence. Provided that, where an appeal has been so preferred and dealt with on merits of the case, the person so aggrieved shall not be entitled to any judicial review of the same proceedings."

Sir, this is a new clause which I propose. It relates to appeal. The only difference is that whereas in previous amendments a direct appeal was sought to be given in all cases as of right but here only in particular cases. The amendment reads:—

"Notwithstanding anything contained in this Act.....

Shri Raghuramaiah: I already gave notice that this covers a point which has already been disposed of.

Mr. Chairman: I saw that. May I know how this has been disposed of? This provides for a specific matter. It has not come up for discussion before.

Shri Dasappa: The idea is a appeal lying to the High Court.

Mr. Chairman: Here it is regarding sentences of six months and more and this has not been discussed.

Shri Naushir Bharucha: Sir, the idea underlying is this. One can understand Government's objection to all cases coming in appeal before the High Court. That may not be desirable. There are graver offences and graver sentences. It is very necessary that the appeal must go to the High Court. Therefore I have suggested a provision on the analogy of the provision in the Criminal Procedure Code where a sentence exceeds six months. There may be created a class of appealable cases and this amendment seeks to do it.

am not quite convinced by the hon. Minister saying that in the last 3 or 4 years no death sentence has been inflicted. If he is feeling that it is such a happy family, why retain the life sentence at all? Why not abolish it if he has got confidence? The fact is we are not having a law for the time being. We do not know times will change or what will happen.

The next point is that it is wrong to say that there is adequate provision regarding death sentence because the Government comes in. Any lawyer will know that in appeal the court is entitled to go into the facts of the case and not merely into law. We doubt very sincerely the efficiency of any Government because when we say confirmation by Government it really comes down to some Secretary of some Department. Will he have the legal acumen that he can bring to bear on it as a High Court Judge would. It is no disrespect to any Secretary to say that he lacks that legal acumen, because he has not got it. Therefore, I submit that the life of an individual must not be held so cheap as this and an appeal must be provided.

There are numerous cases where a conviction by a Sessions Court has been set aside and the accused has been acquitted in appeal because there has been a misdirection to the Jury. Lawyers and Judges who have grown grey in that particular profession commit mistakes of misdirecting the Jury and on grounds of misdirection the accused have been acquitted. How much more, therefore, it is necessary that in cases where a tribunal consists of virtually non-legal members, except perhaps for the Judge-Advocate-General, and how much more likely it is that there will be errors, not only of misdirection but in admission of relevant evidence, in weighing the evidence, in applying the law to the facts of the case? Therefore, I submit that it it is an unimaginable thing to my mind that the life of an individual

should be left to the mercy of people who we know are by profession not competent to sit in judgement over a legally complicated case. Therefore, I say that Government must seriously consider this question, namely that in certain cases there must be an appeal preferred to the High Court.

Why does Government fight shy of the High Court? We know to a certain extent that the High Court Judges have not upheld the law that is made by Government and very often Government does not approve of the decision of the High Court. If a person is legally convicted the High Court is not going to say, 'All right, let him off' for the fun of it. Why is Government afraid of High Courts? I want to know that. It is not a question of a rough and ready method of dealing quick justice. You are quickly liquidating people who may be innocent and quickness is also no substitute for sound justice. Let that be the point that the Government should bear in mind. In all legislation, we are witnessing a tendency now-a-daya to exclude the jurisdiction of the High Courts. That tendency has got to be checked. I submit that this is a fit and right occasion when the lives of our boys either in the Army or the Navy or the Air Force should not be subjected to the whims and caprices of a single individual.

16 hrs.

The hon. Minister has said that after hundreds of years of experience, in 1950 in England, they found it necessary to create a special law. They have created a special Act called the Courts Martial Appellate Court Act of 1951. If people, after hundreds of years, have become convinced that appeals are necessary, my hon. friend here wants to take a leap in the dark. Why not follow the experience of people who, after hundreds of years, have come to a right conclusion? What is extraordinary under the law in England or in India that appeals are good there and bad here. Is life there more precious and here worthless? Is that the contention? Surely, what an experienced power, a naval power essentially, England has done, we ought to follow; it is a good example in the right place. Whenever it suits the Government we copy England. If you have to copy, why not copy the good provisions? I hope the Government will take this fact into consideration.

Shri V. P. Nayar. A vain hope!

Mr. Chairman: Amendment moved:

Page 60,—

after line 4, *add*:

"CHAPTER XV-A

161A. Notwithstanding anything contained in this Act, where any person subject to naval law considers himself aggrieved by a finding or sentence of any Court martial, where such sentence is of imprisonment extending to six months or more, or any punishment inflicted falls under clauses (a), (b), (c), (d), (e), (h) and (m) of section 81, an appeal shall lie to the High Court from such finding or sentence. Provided that, where an appeal has been so preferred and dealt with on merits of the case, the person so aggrieved shall not be entitled to any judicial review of the same proceedings."

Shri Achar (Mangalore): I do not think that the Government feels shy to allow the matter to go to the High Court. All the same, I too would like to support Shri Bharucha. Who is better fitted to act as an appellate Judge? Is it the executive Government or the High Court Judge or the Supreme Court Judge? I do not want to agree with Mr. Bharucha that the Government is trying to avoid a decision by the High Court. But the real point is this. Who is better fitted to appreciate real questions of law that may arise? Is it not better that a trained Judge should look into the papers and come to a conclusion? Law also is a very technical subject, just like engineering or any other technical matter. It is not even the Minis-

[Shri Achar]

ters or the executive people who give a final decision in technical matters. It is a technical man who has to decide. Similarly, law also is a technical subject. To appreciate the fact and know the situation exactly and appreciate the law question involved, a High Court or a Supreme Court Judge is better. I appeal from that point of view to the Deputy Minister to allow this one amendment so that on a question of life and death in matters like this the matter may be viewed not by the executive or even by the Government but by a trained Judge.

Shri Raghuramaiah: Sir, one of the suggestions or insinuations made is that this indicates the line of action which the Government is taking and that they are excluding the jurisdiction of the Courts gradually. There is no indication whatever in this. Even in the Army, and the Air Force Acts of 1950, there has been no provision of the kind suggested. It is not as if the Government are not aware of all the difficulties of the situation. Even the Constitution contemplates a separate treatment in regard to the Armed Forces. Look at the clause permitting restrictions on some of the fundamental rights. When you are considering the armed forces, we cannot forget that it is a special situation requiring special measures. Sometimes we have been charged with copying the British model. I said, when such a charge was made, that we were not going on copying anything just for the fun of it. In every case, we see whether a particular measure adopted is necessary and I have been taking all the pains to convince the House about the situation. There has been no case of grave miscarriage of justice brought to our notice. Then again, there is a person with the qualifications comparable to that of a High Court Judge to review these cases. Government is also not without its legal officers and there is the Ministry of Law. Over and above the judicial review of the Judge Advocate General if the Government finds it necessary, it can obtain legal opinion certainly.

I may not repeat all that I have been saying in regard to these matters. I would like to make it quite clear that Government is no less anxious that justice should be done in these cases. They are satisfied that as matters now stand, we may leave them where they are.

Mr. Chairman: I shall now put amendment No. 51 to the vote of the House.

The question is:

Page 60,—

after line 4, *add*:

"CHAPTER XV-A

161A. Notwithstanding anything contained in this Act, where any person subject to naval law considers himself aggrieved by a finding or sentence of any Court martial, where such sentence is of imprisonment extending to six months or more, or any punishment inflicted falls under Clauses (a), (b), (c), (d), (e), (h) and (m) of section 81, an appeal shall lie to the High Court from such finding or sentence. Provided that, where an appeal has been so preferred and dealt with on merits of the case, the person so aggrieved shall not be entitled to any judicial review of the same proceedings."

Those in favour of this amendment will say 'Aye'.

Some Hon. Members: Aye.

Mr. Chairman: Those who are against may say 'No'.

Some Hon. Members: No.

Mr. Chairman: The Noes have it.

Shri Naushir Bharucha: The Ayes have it. It is an important matter and we can have a division.

Mr. Chairman: I am not opposed to division. Let the lobbies be cleared.

16.10 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Mr. Deputy-Speaker: I shall now put amendment No. 51 for the insertion of New Clause 161A to the vote of the House.

The question is:

Page 60,—

after line 4, *add*:

"CHAPTER XV-A

161A. Notwithstanding anything contained in this Act, where any person subject to naval law considers himself aggrieved by a finding or sentence of any Court martial, where such sentence is of imprisonment extending to six months or more, or any punishment inflicted falls under Clauses (a), (b), (c), (d), (e), (h) and (m) of section 81, an appeal shall lie to the High Court from such finding or sentence. Provided that, where an appeal has been so preferred and dealt with on merits of the case, the person so aggrieved shall not be entitled to any judicial review of the same proceedings."

The Lok Sabha divided: Ayes 21, Noes 68.

Division No. 2] **[16.12 Hrs.**

AYES

Banerjee, Shri S.M.	Ghosal, Shri	Mukerjee, Shri H. N
Bharucha, Shri Naushir	Ghose, Shri Bimal	Nayar, Shri V. P.
Choudhury, Shri S. C.	Godsora, Shri S.C.	Panigrahi, Shri
Dige, Shri	Iyer, Shri Easwara	Parmar, Shri K.U.
Elias, Shri M.	Jadhav, Shri	Soren, Shri
Gaikwad, Shri B.K.	Manay, Shri	Tangamani, Shri
	Menon, Dr. K. B.	Yajnik, Shri

NOES

Ambalam, Shri Subbiah	Jogendra Sen, Shri	Roy, Shri Bishwanath
Arumugham, Shri R. S.	Joshi, Shri A.C.	Rungsung Suisa, Shri
Bahadur Singh, Shri	Kasliwal, Shri	Sadhu Ram, Shri
Bangshi Thakur, Shri	Keshava, Shri	Samanta, Shri S.C.
Barupal, Shri P.L.	Krishna, Shri M.R.	Sen, Shri A.K.
Basappa, Shri	Majithia, Sardar	Sharma, Shri D.C.
Basumatari, Shri	Maniyangadan, Shri	Sharma, Shri R.C.
Bhagat, Shri B. R.	Mehta, Shrimati Krishna	Siddananjappa, Shri
Birbal Singh, Shri	Nair, Shri C.K.	Singh, Shri Babunath
Chandra Shanker, Shri	Nehru, Shri Jawaharlal	Singh, Shri D N.
Chettiar, Shri R. Ramanathan	Padam Dev, Shri	Singh, Shri T.N.
Daljit Singh, Shri	Palchoudhuri, Shrimati Ila	Sinha, Shri Gajendra Prasad
Dasappa, Shri	Pattabhi Raman, Shri C.R.	Sinha, Shri K.P.
Das, Shri Ramdhani	Prabhakar, Shri Naval	Sonawane, Shri
Dindod, Shri	Raghunath Singh, Shri	Subbarayan, Dr. P.
Gaekwad, Shri Fatesinghrao	Raghuramaiah, Shri	Tewari, Shri Dwarikanath
Ganapathy, Shri	Raj Bahadur, Shri	Thimmaiah, Shri
Gounder, Shri K.P.	Ramakrishnan, Shri	Thirumala Rao, Shri
Gupta, Shri C.L.	Ramaswamy, Shri K.S.	Umrao Singh, Shri
Hazarika, Shri J.N.	Ram Subhag Singh, Dr.	Upadhyaya, Shri Shiva Dutt
Hem Raj, Shri	Raut, Shri Bhola	Varma, Shri B.B.
Jinachandran, Shri	Reddy, Shri Ramakrishna	Wadiwa, Shri
	Reddy, Shri Rami	

The motion was negatived.

Clauses 162 to 188 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Raghuramaiah: Sir, I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: Motion moved:

"That the Bill, as amended, be passed."

पंडित ठाकुर दास भार्गव (हिसार) : जनाब डिप्टी स्पीकर साहब नैवी बिल जिसको शुरू में आनरेबिल डिफेंस मिनिस्टर ने नैवी कोड के नाम से याद किया था आज पास होने जा रहा है। जहां तक इसके नैवी कोड होने का ताल्लुक है मैं ने कंसीडरेशन स्टेज पर अर्ज किया था कि यह नैवी बिल है नैवी कोड नहीं है और अब मैं फिर दोहराता हूं कि यह नैवी कोड नहीं है। उसके वास्ते बहुत माकूल वजूहात मौजूद हैं। इस बिल के अन्दर बहुत सी ऐसी बातें नहीं हैं जिनकी कि कोड के अन्दर होने की उम्मीद हो सकती है। इनवेस्टीगेशन का क्या कायदा होगा, एवीडेंस लेने का क्या कायदा होगा, एवीडेंस की नकलें दी जायेंगी या नहीं, रिक्रूटमेंट किस तरह होगा, क्या क्वालीफिकेशन्स होंगी ये सब बातें इस के अन्दर दर्ज नहीं हैं और उनका फैसला रेग्यूलेशन्स से होता है। इसके अन्दर कोई ऐसी खराब बात नहीं है कि हमको शरमिन्दगी हो कि इसके बजाय हमारे पास नैवी कोड नहीं है। यह नैवी बिल और रेग्यूलेशन मिलाकर हमारे पास एक मुकम्मल चीज मौजूद है गो कि नैवी कोड हमारे पास नहीं है। और भी कई मुहकमों में मुकम्मल कोड मौजूद नहीं है लेकिन यह खराबी की बात नहीं है। लेकिन अच्छा होता अगर नैवी कोड होता और उसमें सब चीजें मुकम्मल तौर पर दर्ज होती।

16.16 hrs.

[SHRI C. R. PATTABHI RAMAN *in the Chair*]

मैं समझता हूं कि आने वाले वर्षों में इस कमी को पूरा कर दिया जायेगा और नैवी वाले यह कोशिश करेंगे कि एक मुकम्मल नैवी कोड देश के सामने मौजूद हो जिसमें नैवी के मुताल्लिक सब बातें दर्ज हों।

मैं इस जिम्न में जनाब की खिदमत में और कुछ बातों को पेश करना चाहता हूं जिनकी हम कमी महसूस करते थे और समझते थे कि उस कमी को दूर कर दिया जायेगा। लेकिन वे कमियां इस वक्त पूरी नहीं की गयी हैं। लेकिन इसमें हमें कोई दुःख नहीं है। आज हमारी नैवी एक नैवी है, हम अपनी कमी को पूरा कर लेंगे। दूसरे मुल्कों के अन्दर जहां सैकड़ों वर्षों से बराबर नैवी चली आ रही है उन्होंने उन चीजों को मुकम्मल किया है। हम दर असल इस बात में खुशकिस्मत हैं कि हम एक ऐसी गवर्नमेंट के मातहत थे, जो मैरीटाइम कौमों में सब से मशहूर कौम थी। इस वजह से हमें नैवी के मुताल्लिक जिन चीजों का वुरसा मिला वह ऐसी कौम का तजर्बा था जो बहुत अर्से तक मैरीटाइम पावर के तौर पर रही है और जिसने बहुत नुमायां काम किये हैं। इसलिए मैं शर्मिन्दा नहीं हूं कि हमारा नैवी बिल अंग्रेजों के नैवी बिल के मुताबिक है। चुनाचे जब कुछ आनरेबिल मेम्बर साहिबान ने यह शिकायत की कि मिनिस्टर साहब ने अंग्रेजी कानून की नकल की है तो मैं मुतास्सिर नहीं हुआ। मैं समझता हूं कि अगर किसी कौम की अच्छी बात है तो उसे हमें कबूल करना चाहिए और अगर किसी कौम की बात अच्छी नहीं है तो वह चाहे जितनी पुरानी ही क्यों न हो हमको कबूल नहीं करनी चाहिए। हमारे पास नैवी कोड नहीं था और न ही हो सकता था। अब हमारे पास जो चीज है उसको हम अपने तजर्बे से धीरे धीरे मुकम्मल बना लेंगे।

एक खास चीज जिस पर बहुत से मेम्बर साहिबान ने जोर दिया वह अपील का प्रावीजन था जो कि इस बिल में नहीं है लेकिन गवर्नमेंट ने इस चीज को मंजूर नहीं किया । मैं समझता हूं कि यकीनन इसमें अपील का प्रावीजन होना चाहिए था और इसका न होना इस बिल में एक सख्त बुलाट है । लेकिन ताहम जो वजूहात हमारे मिनिस्टर साहब ने ऐसा न करने की दी हैं उनके फोर्स को हम रिकागनाइज करते हैं । जो उन्होंने आखिरी वजूहात दी वे मेरे वास्ते तो काफी नहीं थी लेकिन उनके नुक्ते खयाल से जो मिलिटरी और नैवल ट्रेडीशन्स के पीछे पडे हुए हैं ठीक हो सकती है । हाउस उसको खुद जज करे । इसके अलावा इस बिल में कई बातें ऐसी कर डाली गयी हैं जिनके बारे में उम्मीद थी कि मिनिस्टर साहब उनके बर्खिलाफ करेंगे । लेकिन मैं आनरेबिल मिनिस्टर साहब को और सिलेक्ट कमेटी को कुछ बातों के लिए बधाई देता हूं । उन्होंने कुछ अच्छे व्यू लिये हैं और अंग्रेजी कानून से कुछ अच्छे दफात समे शामिल किये हैं । मसलन डूंकिननैस का कानून हमारे सामने आया, मसलन और कई चीजें आयी जैसे कि अगर कोई सुपीरियर आफिसर अपने सबार्डिनेट के साथ नावाजिब सलूक करे तो उसको भी सजा हो सकती है । चन्द चीजों में जो पहले नैवी ऐक्ट के प्रावीजन थे कदम कुछ आगे बढ़ा है गो कि जितनी हमारी तवक्को थी उतना आगे नहीं बढा है । नैवी में या एअर फोर्स में या आर्मी मे ट्रेडीशन पर बहुत ज्यादा जोर दिया जाता है । मैं देख रहा हूं कि गवर्नमेंट उजलत म कोई काम नहीं करना चाहती । गवर्नमेंट कंजरवेटिज्म से काम ले रही है क्योंकि इस मे डिसिप्लिन का खास सवाल है, वरना मैं यकीन नहीं कर सकता कि रघुरामैया साहब जो जब इस तरफ बैठते थे तो हर एक चीज को इतना क्रिटिसाइज करते थे इस तरह के बिल की कैसे हिमायत कर सकते थे । और कैसे कृष्ण मैनन इस तरह के प्रावीजन्स को हमारे सामने रख सकते थे । मैं समझता हूं कि यह कंजरवेटिज्म खसूसन नैवी, एअर-फोर्स और आर्मी के ट्रेडीशन्स को ध्यान में रखकर अख्तियार किया जा रहा है और इस तरह के सेफगार्ड रखे जा रहे हैं जो चाहे हम लोगों को मुनासिब न लगते हों लेकिन जो कि गवर्नमेंट को और उन लोगों को जो इस काम के माहिर हैं मुनासिब मालूम होते हों । इसलिए मैं गवर्नमेंट को इस बारे मे क्रिटिसाइज करना मुनासिब नहीं समझता कि उसने यह चीज अच्छी की या बुरी की ।

जहां तक फंडामेंटल राइट्स का सवाल है यह सही है कि खुद कांस्टीट्यूशन मेकर्स ने दफा ३२ के अन्दर एक सेफगार्ड रख दिया है और कहा है कि पार्लियामेंट को अख्तियार है कि कितना फंडामेंटल राइट दें और कितना न दें । अंग्रेजों के मुल्क में जो कि आजादी का गहवारा है वहां भी सीमैन को वे राइट्स हासिल नहीं हैं जो कि हमने अपने बिल मे नही रखे हैं । तो फिर इसमें क्या ताज्जुब है । यह एक ऐसा आर्गेनाइजेशन है कि जिसका पहला उसूल डिसिप्लिन है, बीच का उसूल डिसिप्लिन है और आखिरी उसूल डिसिप्लिन है । उस के वास्ते अगर हम अपने बिल में उन तजर्बात को लायें जो कि अंग्रेजों के तजर्बात हैं तो मैं नहीं समझता कि हम कोई बेजा बात कर रहे हैं । यह ठीक ही हुआ कि महज फंडामेंटल राइट्स के स्लोगेन्स के पीछे पागल होकर हमने उन चीजों को इसमें नहीं रखा जो कि तजर्बे की बिना पर ठीक नहीं समझी गयीं । सिर्फ उतने राइट को एबरोगेट किया है जितना कि जरूरी था, बाकी एबरोगेशन कहां है । जो लोग यह कहते हैं कि सीमैन को इस बिल के अन्दर फंडामेंटल राइट नहीं हैं वे सही नहीं कहते ।

[पंडित ठाकुर दास भार्गव]

लेकिन मुझे मिनिस्टर साहब मुआफ करेंगे अगर मैं अदब से अर्ज करूं कि कई एक चीज ऐसी हैं जो कि फंडामेंटल राइट्स से भी बाला हैं। कुछ ऐसी चीजें हैं जो कि फंडामेंटल राइट्स की भी फंडामेंटल हैं उन पर हमें सोच विचार करके इस ला में दाखिल करना चाहिए था। जिस वक्त कि यह बिल कंसीडरेशन स्टेज में था उस वक्त भी मैं ने अदब से अर्ज किया था और कहा था कि इस ला को क्रिमिनल ला की तरह समझना चाहिए और वैसा ही बनाना चाहिए। मैं यह तो नहीं कहता कि इसको आप सिविल ला की लाइन में ला दें लेकिन आयन्दा के लिए बतौर बीज के मैं यह चीज अर्ज करना चाहता हूं कि जितने एक्सेप्शन्स कि इंडियन पीनल कोड में मौजूद हैं और जो कि फंडामेंटल राइट्स के भी फंडामेंटल हैं उनको आहिस्ता-आहिस्ता इस ऐक्ट में दाखिल किया जाये।

इस ला में आप ने रफ एंड रेडी जस्टिस का उसूल रखा है। मैं उसके खिलाफ़ नहीं हूं। लेकिन इसमें अफसरान को और कोर्ट मार्शल के ज्जान को बहुत से आरबिट्रेरी अख्तियारात दे दिये गये हैं जो कि क्रिमिनल ला में नहीं होने चाहिएं। जब आपको यह नहीं मालूम कि एक आफेंस के रिक्विजिट क्या हैं तो आप उसकी डेफिनीशन नहीं कर सकते। आप सिर्फ यह कहते हैं कि कोर्ट मार्शल के आफिसरों के खयालात के मुताबिक जो जुर्म हो वही जुर्म समझा जायेगा। क्या यह चीज गलत नहीं है? यही इस में आरबिटरेरीनैस है। मुझे उम्मीद है कि इस तरफ़ हम और कदम बढ़ायेंगे, जिससे जहां तक ह्यूमेनली पासिबल हो और साथ ही इस बात का ख्याल रखते हुए कि हम ने डिसिप्लिन कायम रखना है और रफ़ एंड रेडी जस्टिस करना है, इस किस्म की आरबिटरेरीनैस को हटा दिया जाये।

जनाब को याद होगा कि इस हाउस के सामने एक बड़ी अहमियत का सवाल आया था और वह सवाल था एडमिरैल्टी का और आर्मी कौंसिल का। मैं इस वक्त उस मामले पर ज्यादा जोर नहीं देना चाहता हूं। न ही मैं अपने आप में, अपने दिल में, यह सरटेन्टी पाता हूं कि हमारे लिए क्या मुनासिब होगा। इस लिए इस सिलसिले में मैं ज्यादा बाजे तौर पर कुछ बयान करने से परहेज करता हूं। ताहम मैं यह अर्ज करना चाहता हूं कि हम ने जो आरगनाइजेशन विरसे में पाई थी, उस में कमांडर-इन-चीफ़ सुप्रीम समझा जाता था। लेकिन बाद में उस सिस्टम को तब्दील कर दिया गया और एक सिविलियन को वह रुतबा दे दिया गया। आज डिफ़ेन्स मिनिस्टर ही इस नेवी का सब से बड़ा अफ़सर है। अंग्रेजों की जितनी भी अच्छी चीजें हैं, वे हम ने ली हैं और यह एक दरुस्त बात है। इस सिलसिले में हमको इस बात का भी ख्याल रखना चाहिए कि आर्मी, नेवी और एयर फ़ोर्स, इन तीन आरगनाइजेशन्ज में इतने आदमी हैं और अगर हम अपनी अल्टीमेट कौंसिल में फ़ौजी अफ़सरों का—और उन के जरिये इन सारी फ़ोर्सिज का—आखरी अख्तयारात में दखल नहीं देते, तो वे यह फ़ील नहीं कर सकते कि हम एक ऐसे आरगैनिज्म के पार्ट एंड पार्सल हैं, जिस में हमारी भी आवाज सुनी जाती है। मैं ने दुनिया के इस किस्म के दूसरे कांस्टीच्यूशन्ज नहीं देखे हैं। अगर यह साबित हो कि हमारा सिस्टम बैस्ट है, तो फिर इस को छोड़ना चाहिए, लेकिन जहां तक मेरा ताल्लुक है, मैं एडमिरैल्टी और आर्मी कौंसिल के इस सिस्टम से मुतमईन नहीं हूं। जब तक कि आप इस को तब्दील न करें, तब तक तो आप को इस बात का अख्तियार है कि आप किसी तरह चलते रहें, लेकिन आखिर में गवर्नमेंट को इस सारे मामले को कूलनैस से देखना चाहिए और यह नुक्ता-ए-नजर अपने सामने रखना चाहिए कि हमारे पास बैस्ट आर्मी, नेवी और एयर फ़ोर्स रहे।

मैं ने पहले भी अर्ज किया था और अब फिर मैं अर्ज करना चाहता हूं कि अब हम को वजूद में आए दस बरस हो गए हैं। मैं यह नहीं कहता कि हम को हर एक बात में अंग्रेजी कानन और अंग्रेजी ट्रैडीशन के पीछे चलना चाहिए, जो कि हमारे मुल्क के जीनियस और बिल के मुताबिक नहीं है, लेकिन जो अच्छी चीजें है, उन को अपना लेने को मैं इमीटेशन नहीं कहता। वह इमीटेशन नहीं है, बल्कि वह तो राइट कोर्स है। मैं मिनिस्टर साहब के इस नजरिये से मुतफ़िक हूं कि जो दूसरों की अच्छी बातें है, उन को हम रखेंगे और जो अच्छी नहीं हैं, उन को हम नहीं रखेंगे। हमारे मिनिस्टर साहब बार बार आर्मी बिल और एयर बिल का हवाला देते हैं कि उन मे सेडीशन की डेफ़िनीशन यह है और म्यूटिनी की यह है और यह कि उन में भी अपील की प्राविज़न नहीं है। इस बार भी हम ने इन बातों को सुना है और एप्रिशेट भी कर लिया है, हालांकि इस वक्त मैं उन वजूहात में नहीं जाना चाहता हूं, जिन की बिना पर मिनिस्टर साहब कहते है कि अपील की जरूरत नही है। उन्होंने एक वजह यह पेश की है कि चूंकि वहां पर आज तक बे-इन्साफ़ी नहीं हुई है, इस लिए अपील की प्राविज़न रखने की कोई जरूरत नहीं है। मुमकिन है कि बे-इन्साफ़ी नहीं हुई होगी और इस के लिए वह मुबारकबाद के मुस्तहक हैं। लेकिन इस सिलसिले में क्या मैं पूछ सकता हूं कि जहां तक मौत की सज़ा का ताल्लुक है, बे-इन्साफ़ी नहीं हुई होगी, लेकिन क्या सारे केसिज में आज तक इन्साफ़ होता रहा है। मैं सिर्फ मौत की सज़ा के बारे में अपील नहीं चाहता हूं। जहां तक जुडिशल रीव्यू आफ़टर वी मन्वस का ताल्लुक है, वह एक मज़ाक है। अपील तो वह देखने के लिए ली जाती है कि किसी आदमी ने शुरू में जुर्म किया था या नहीं। सिविल ला में तो कोई इस तरह के रेस्पाइट नहीं दे सकता है कि हर तीसरे महीने जुडिशल रीव्यू हो। यह प्राविज़न तो इस कानून की सख्ती को दूर करने के लिए—इस कानून में हर बात के लिए दो से दस बरस की सज़ायें रखी हुई हैं, जैसे कि सिविल ला में छोटी छोटी बातों के लिए जुर्माना कर दिया जाता है — रखा गया है। मैं एक मिनट के लिए भी यह मानने के लिए तैयार नहीं हूं कि यह अपील का प्राविज़न सिर्फ़ मौत की सज़ा के लिए हो। मैं चाहता हूं कि वह हर एक आदमी के लिए, हर एक केस के लिए—सिवाय पैटी केसिज के—रखा जाय। सिविल ला में हम ने तीन तीन अपीलें रखी हुई हैं, ताकि किसी भी जगह ग़लती का इमकान न रहे। यह हो सकता है कि आम तौर पर कहीं बे-इन्साफी न हुई हो, लेकिन यह एक वाकया है कि जिस के साथ बे-इन्साफ़ी होती है, वह उसको कभी भूल नहीं सकता है। मैं जेनेरल अपील चाहता हूं।

मैं उम्मीद करता हूं कि मिनिस्टर साहब इस बारे में ग़ौर करेंगे और आईन्दा हमें इस किस्म की मिसाल न देंगे कि १९५० में क्या हुआ। १९५० में क्या हुआ, इस का असर बड़ी देर से हमारे दिमागों पर तारी रहा है और वह आज तक दूर नहीं हुआ है। इस देश में यह आम ख्याल है और इस हाउस का यह कानसेनसस आफ़ ओपीनियन है कि हम को अपील का प्राविज़न जरूर रखना चाहिए। इस मामले पर हम वोट किस तरफ़ देंगे, यह एक दूसरी बात है। मैं यह अर्ज करना चाहता हूं कि जब हम दूसरा बिल लायेंगे, तो हमारी बहुत उम्र हो गई होगी और इस लिए हम इस सिलसिले में ठीक ठीक फ़ैसला कर सकेंगे।

मैं ने पिछली दफा भी कहा था कि यह असर न रहे, लेकिन सिलेक्ट कमेटी में भी और उसके बाहर भी यही असर मौजूद रहा और हमारी गवर्नमेंट और मिनिस्टर साहब की राय तब्दील नहीं हुई और चेंज आफ़ हार्ट

[पंडित ठाकुरदास भार्गव]

नहीं हुआ और यह हाउस बेबस रहा है और उस बेबसी में आप के साथ को-आपरेट करने के लिये तैयार है। लेकिन हमें याद रखना चाहिये कि यह बेबसी हमेशा नहीं रहेगी। लोग बड़े नालां हैं। अपील का प्रविजन बड़ा इन्नाकुअस है, लेकिन आप ने उस पर भी अमेंडमेंट मन्जूर नहीं की है। मैं तो इस कद्र नालां नहीं हूं, क्योंकि जो वजूहात आप ने दी हैं, वह आपके नुक्ता-ए-नजर से ठीक हैं, वे हम को अपील करें या न करें।

मैं ने शुरू में अर्ज किया था और अब मैं उस को रिपीट करना चहता हूं कि यह सारा नेवी बिल एक फीयर साइकासिस के मातहत तैयार हुआ है। आईन्दा हमारा एपरोच इस से बैटर होना चाहिये—हू मेन एपरोच तो वह हमेशा ही रहा है और रहेगा। मैं यह बात भी मानने के लिये तैयार नहीं हूं कि हमारी फ़ोर्सिज के आदमी उन के अफ़सरों को उतने अजीज नहीं हैं, जितने कि वे इस पार्लियामेंट को हैं। जैसा कि श्री जयपाल सिंह ने कहा है, हमारे आफिसर हिन्दुस्तानी हैं, जो सब बातों को समझते हैं। अब अंग्रेजों का जमाना नहीं रहा। हम ने आई० एन० ए० के ट्रायल्ज को देखा है। इस में किन्हीं आदमियों का या आफ़िसर्ज का सवाल नहीं है। जो उसूल हैं, प्रिंसिपल्ज हैं, वे आदमियों से ऊपर हैं। जो कुछ हम कह रहे हैं या जो कुछ हम चाहते हैं, वह हमारे अफ़सरों के लिये वोट आफ़ नो-कांफ़िडेंस नहीं है, वह तो इन्सानी फालिबिलिटी के लिये सेफ़गार्ड है। आईन्दा इस किस्म की वेगनेस नहीं रहनी चाहिये और हमारा कानून ऐसा न होना चाहिये, जिस को हम में से कोई भी न समझे।

एक अंग्रेज ने एक पब्लिक प्रासीक्यूटर को इस लिए अदालत से निकाल दिया कि वह पान चबा रहा था, और कहा कि 'यू आर अनक्लीन', हालां कि हमारे यहां पान का चबाना एक आम बात है। इसी तरह किसी अंग्रेज के यहां कोई साफ़ा टोपी पहन कर नहीं जायेगा, बल्कि उन को उतार कर जायेगा, लेकिन अगर किसी देसी आदमी की अदालत में साफ़ा टोपी न हो, तो उसको बे-अदबी समझा जाता है। मुख्तलिफ स्टैंडर्ड और मुख्तलिफ़ विचार होते हैं। आप को भी क्लीनलीनैस और डीसेन्सी का कोई स्टैंडर्ड कायम कर देना चाहिए। जो हमारे मौजूदा अफ़सर हैं, वे न तो पूरे अंग्रेज रहे हैं और न ही पूरे इंडियन बन पाए हैं। वे कोट-पतलून भी पहनते हैं और अचकन पायजामा भी पहनते हैं। लेकिन आहिस्ता आहिस्ता हिन्दुस्तानी जीनियस और हिन्दुस्तानी तौर-तरीके हमारे यहां आ रहे हैं। हिन्दुस्तान में जो हवा इस वक्त है, जिस को हमारे प्राइम मिनिस्टर साहब और डिफ़ेंस मिनिस्टर साहब ने पैदा किया हुआ है, उस को हमें पहचानना चाहिए। हमारा जो सिपाही है, जो सीमैन है, वह पुराना नहीं है, जो कि आप के हर एक हुक्म को बगैर सोचे समझे मान जायेगा। वह तो रीजन की कटोली पर आप की हर एक बात को देखेगा। अगर आप इन बातों को साफ़ नहीं करते तो कानशसली या अनकानशसली बहुत गलतियां हो जायेंगी। मैं इस वास्ते अदब से अर्ज करूंगा कि अब वक्त आ गया है जब कि हम अपने आप को एसर्ट करें, अपनी जीनियस अपनी सिविलिजेशन और अपने खयालात के मुताबिक इन सब चीजों पर नजरसानी करें। आज नजरसानी नहीं होती लेकिन मैं समझता हूं कि दो चार वर्ष के अन्दर यह नजरसानी जरूरी हो जायेगी और उसी वक्त के वास्ते मैं ने चन्द एक बातें अर्ज की हैं। इन अल्फ़ाज के साथ मैं इस बिल की इस वजह से सपोर्ट करता हूं कि बहुत सी बातों में आपने तबदीली की है जो कि हमको तरक्की की तरफ़ ले जाने वाली हैं।

इसके अलावा मैं अपनी फ़ोर्सेज में आर्मी, नेवी और ऐयर फ़ोर्स में वह सारे पापुलरली बेस्ड नोशंस जस्टिस को पूरे तौर पर लगाने को तैयार नहीं हूं क्योंकि उनकी एक खास अहम पोजीशन है । इस वजह से मैं आपकी इस बात की कद्र करते हुए कि आप अपने ट्रैडिशंस को मजबूत करना चाहते हैं और उन पर क़ायम रहना चाहते हैं और किसी हद तक ट्रैडिशंस पर कायम रहना ठीक भी है अलबत्ता उस हद तक जब तक कि हम एक कंजरवेटिव न बन जायें क्योंकि उस हालत में तो हम दकियानूसी हो जायेंगे और ज़माने की रफ़्तार में पीछे पड़ जायेंगे। इन दोनों चीजों को खयाल में रखते हुए हमें आगे बढ़ना है। आपने जो इस बिल में कोशिश की है उसका खैर मक़दम करता हूं ।

Mr. Chairman: Shri Dasappa:

Shri A. S. Saigal (Janjgir): I was not here so far. I would request you to give me some time so that I may be able to express my views in the third reading stage.

Mr. Chairman: He will get his opportunity. I have called Shri Dasappa.

Shri Dasappa: I have great pleasure in congratulating the hon. Deputy Minister on the very excellent way in which he has piloted this very important measure through this House. This Bill, as it has emanated after discussion, here, is virtually passing through this House without any changes, that is, as it emanated from the Joint Committee. That, no doubt, is a matter on which the hon. Minister may well congratulate himself, and I also offer him congratulations on behalf of myself and many of my colleagues.

I am sure that this indicates one thing, that the Joint Committee has brought to bear upon its task a great amount of diligence and consideration; that partially accounts for the fact that the Bill is now emerging as it has come out of the Joint Committee.

I do not want to go into details or traverse the ground which has already been covered in the clause by clause discussion. I feel it is a historic measure that we are now passing through our House. It reminds us of our ancient past. No doubt, as an important link of our defence, the Navy certainly stands supreme. There is no doubt that it is going to perform that great function. On that account alone, we must say that this is a very important measure. But I view it from a much broader point of view. It reminds us of the fact that we were once a great sea-faring nation, and invariably that fact is associated with the existence of a strong and powerful Navy.

You have seen that every nation which has built up a strong naval force has also a very strong and big maritime fleet. In days past, our ships carried not only rich merchandise but our culture and religion to the far corners of the world. For some unknown reason, we have not been able to keep pace with that measure of advance that somehow or other western countries have done. That has created the backwardness of the country. And, today, I hope a new chapter will commence. Just as in the days of old we held the high seas, so, in future our ships and our boats will be going on the high seas, not only carrying our merchandise but our culture and philosophy and the great mission which I think is ours. It is in that context that I am happy to join with my hon. colleagues in congratulating the Ministry on this measure.

There are certain aspects of it which may have to be reconsidered in the light of the experience that we gain in implementing this measure. I have also indicated.....

Mr. Chairman: May I interrupt the speaker. I would just request him to note that by 20 minutes after five we will complete the 10 hours allotted for the Bill, and it is hoped that the Bill will be passed today. The Minister will wind up and two other Members

[Mr. Chairman]

from the Opposition have also desired to speak. So, I would request the hon. Member to be as brief as possible. I am sorry to interrupt him.

Shri Dasappa: You are perfectly right, Sir. I do not want, as I said, to mention any of the detailed provisions of the Bill. But, I would refer to one or two things. As Pandit Bhargava said, there is room for consideration with regard to the provision for appeals. I do not want to labour that point.

As regards the constitution of the Board of Admiralty our Navy is still in its infancy and I do not think it is necessary for us at this stage to have a very complicated hierarchy of officers for constituting the Board of Admiralty. I am afraid we have already progressed from the stage when we had only one Commander-in-Chief to the position that now we have three Chiefs, one for the Army, one for the Air Force and a third for the Navy. I am glad the hon. Minister assured us that wherever these matters are to be considered there is a meeting with the concerned officers of the Army so far as Army matters are concerned, with the officers of the Air Force so far as Air Force matters are concerned and with the officers of the Navy with respect to Navy questions. That is a good enough assurance for us and I am glad that he has given that assurance to us.

Where matters of all-India importance come all the three arms of our Defence Forces are concerned. I am glad of the assurance that all the concerned Chiefs will be there for necessary deliberations and decisions. That, I think, ought to satisfy those who are thinking of the Board of Admiralty.

I do not want to take much of the time of the House and I welcome the measure.

Mr. Chairman: I will now call Shri Bharucha and after him Shri Saigal and Shri Jaipal Singh and then Shri Easwara Iyer. I hope they will be ready.

Shri Jaipal Singh: I am ready, Sir.

Shri Naushir Bharucha: I shall be extremely brief and I shall touch only on those points which have not been touched so far.

The third reading of a Bill affords us an opportunity to have an overall perspective of the legislation that we are about to enact into law. The central clause of this Bill is clause 5 which deals with the constitution of the Naval Force. If we turn to this clause, it surprises us in its simplicity, vagueness and legal defect. All that it says is that the Central Government may raise and maintain a regular Naval Force and also a Reserve or Auxiliary Naval Force. In other words, under the law, authority is delegated to the Government to legislate on the principles and policies which will go into the constitution of this Naval Force. May I know whether this House has got its own views as to on what principles and on what policies a Naval Force should be constituted? For instance, the other day, an Admiral announced that the purpose of the Navy was to safeguard the trade route and defend the coastline. Is it the intention of this House that we should leave it to the Admirals to define the purpose of the Navy and not put it down in the legislation itself so that the Government might understand the size and the type of the Navy that we that got to create? On what principle is Government going to proceed when it wants to constitute a naval force? We have not defined the purpose of the naval force in the Bill? For what purpose is the Government going to constitute the Navy? To meet an emergency in case of a Third World War? Are we going to have a Navy powerful enough? Does the House want to throw on the Central Government that responsibility so that it may constitute a Navy capable of meeting any threats including guided missiles

in case of a war? Or, are we confining ourselves, as pointed out by the Admiral, to the objectives of guarding the trade routes or merely policing the coastlines? We do not know.

The Bill does not prescribe. The Goverment has got no directive and no indication from the House to go on. In other words, I am sorry to say that this House has abdicated its power to put down the principles and policies in the Bill before giving the Government the authority to constitute a naval force.

The hierarchy of commands are not prescribed. We do not know whether the Navy is going to be constituted by divisions as in the Army. It is open to the Government to do anything as it likes. The other day we passed the Railway Protection Force Bill. We prescribed the hierarchy: Havildar, Chowkidar and so on. It was because it was going to be a force. But in the Naval Force, there is no prescribed hierarchy and we leave it to the Government to prescribe that.

Take also the question of relation between the Army, the Air Force and the Navy in times of emergency. What is going to be the overall position? Who is going to be the controlling authority: the Army Commander or the Air Force Commander? The Bill says nothing whatsoever. It is doubtful, unless a legal duty is cast by law, if for instance an Admiral will obey a particular authority in times of emergency. When the question of insubordination arises or mutiny or whatever it is he can say that there is no legal duty cast on him. Assuming that an officer normally will carry out all the orders, why is it that the House leaves so many gaps in the Bill? Is it not our duty to see that the major principles at least are prescribed?

We are talking of an auxiliary naval force. What type? Is it the intention of the House that boys and girls in the colleges should be trained? We have given absolutely no indication whatsoever.

I would not be surprised if clause 5 is challenged before a court of law and it says that the Parliament has no power to delegate legislation like this without laying down the principles. What is the essence of delegated legislation? Legislation can only be delegated to prescribe procedural and minor matters and not the principles themselves. In fact, the House has abdicated its jurisdiction to prescribed principles. The House has no power to abdicate that jurisdiction.

Therefore, my submission is that it is a big and serious defect that we have left altogether the Central Government in the dark about the principles. What is the Central Government going to do? What is going to be the size of the navy, the type of equipment or anything? How can you say unless you know the purpose for which you are going to create that naval force? Even if you want to construct a building, you will first ask: for what purpose is that building going to be used? Is it a school, theatre and so on? So, we have grievously erred in that respect.

Secondly, I do not desire to add anything to the very powerful appeal my hon. friend, Pandit Thakur Das Bhargava, made in connection with the appeals which ought to have been provided for. I do hope that a time may come when the Government will appreciate the fact that at least for all the three Services combined there should be a separate Appellate Court created. I refuse to believe that by giving the right of appeal there is going to be delay. It is much better for a man condemned to death that he will get justice which is delayed rather than he is quickly dispatched. Therefore, I submit that I do hope that the powerful plea which my hon. friend has put in will not fall on deaf ears.

There is another small point, but really it has got its intrinsic value. We have prescribed, and we have done well in prescribing them, the

[Shri Naushir Bharucha]

qualifications of the Judge Advocate-General and the Deputy Judge Advocate-General. We have not provided in this the security of tenure which alone can give them independence. The Judge Advocate-General and others are so much tied down under the administrative and executive side that they will not have that independence which a judiciary alone can exercise. What gives independence to the judiciary? It is the security of tenure. The man cannot be removed from his post because he gives a judgment against the Government. That security of tenure is not included in this. I do not know what can be done at this very last stage. Nothing can be done. But I hope the Government will bear this point and if they feel that there is some substance in that they will not hesitate to bring an amending Bill in this House.

श्री अ० सिंह० सहगल: सभापति महोदय मैं आपका बहुत मशकूर हूं कि आपने मुझे थर्ड रीडिंग के समय में बोलने का मौका दिया । मैं जब यह बिल हाउस में चल रहा था गैरहाजिर था लेकिन जिस वक्त यह बिल सेलेक्ट कमेटी में गया हुआ था उस वक्त मैंने अपनी राय सेलेक्ट कमेटी के मेम्बरों के पास भेज दी थी । मैं कह नहीं सकता कि सेलेक्ट कमेटी में जो हमारे मेम्बर साहबान थे उन लोगों ने मेरी उस राय पर क्या गौर किया । मुझे अभी आते ही जब यह मालूम हुआ कि उस बिल की थर्ड रीडिंग स्टेज है तो मैं ने सोचा कि मैं भी इस सम्बन्ध में जो अपनी राय है वह संक्षेप में हाउस के सामने रख दूं ।

इस अवसर पर इस बिल का जो चैप्टर १८ है Judge Advocate General of the Navy and Officers of his Department मैं इस Appointment of the Judge Advocate General of the Navy and his subordinate officers, इस एपैलेट कोर्ट के ऊपर अपनी राय देना चाहता हूं । मैं जानता हूं कि थर्ड रीडिंग के मौके पर मैं कोई बहुत ज्यादा बातें हाउस के सामने नहीं रख सकता लेकिन मैं इतना कहूंगा कि यह जो आप ने १६८ क्लाज में जज ऐडवोकेट जनरल रक्खा है उसमें होगा यह कि जो आदमी जिस डिपार्टमेंट का होगा वह अपनी राय आजादाना तौर पर बिलकुल साफ साफ जाहिर नहीं कर सकेगा और इसी बात को मद्देनजर रखते हुए मैंने यह सुझाव दिया था कि जिस तरीके से सुप्रीम कोर्ट के जजेज होते हैं उसी तरीके से वहां पर भी जजेज मुकर्रर किये जायं । जो जजेज मुकर्रर हों वह उसी डिपार्टमेंट के हों कोई जरूरी नहीं है लेकिन उनके पास में यदि अच्छे आदमी हों तो बराबर उनको वह डिपार्टमेंट में रख सकते हैं । लेकिन इसी के साथ ही साथ हमें इस चीज को भी नहीं भुला देना चाहिये कि डिपार्टमेंट से आदमी लेने में एक खामी रहती है । अब थोडी देर के लिये मान लीजिये कि एक शख्स का कोर्ट मार्शल होता है और चाहे कोर्ट मार्शल का फ़ैसला गलत रहा हो या सही लेकिन उस डिपार्टमेंट के आदमी को अनुशासन के अन्दर रहते हुए उस निर्णय को मान्यता देनी होती है । इसलिये मैं समझता हूं कि आज जब कि हमको अपनी स्वतंत्रता प्राप्त किये हुए दस वर्ष हो गये तो आज की परिस्थिति में हमको ऐसी व्यवस्था वहां पर करनी चाहिये कि अगर कोर्ट मार्शल किये गये लोगों के साथ किसी किस्म का अन्याय हुआ है तो वह वाजिब न्याय पा सकें और उनके साथ इंसाफ़ हो सके । इसके लिये बहुत जरूरी था कि उन लोगों के लिये हम एक सुप्रीम कोर्ट की तरह से एक कोर्ट मुकर्रर करते ।

इसके साथ ही मैं यह चाहूंगा कि हमारी मिलेटरी के जो तीनों विंग्स हैं अर्थात् आर्मी, नेवी और एयर फ़ोर्स इन तीनों के लिये एक ही जज सुप्रीम कोर्ट की तरह

का मुक़र्रर किया जाता और वह कोर्ट सारे अपील सुनता ऐसा करना ज्यादा लाभप्रद सिद्ध होता। हर विंग के लिये अलग अलग मक़र्रर करना वाजिब नहीं।

दफ़ा १७० में जो आपने यह रक्खा है कि चीफ आफ दी नैवेल स्टाफ़ हर डिपार्टमेंट के लिये अलग-अलग जज एडवोकेट्स डैजिगनेट करेगा अर्थात् नैवी का अलग, एयर फ़ोर्स का अलग और आर्मी का अलग, तो मेरा कहना है कि इन तीनों को मिला कर एक ही को सुप्रीम कमानडर बना दिया जाय जो कि तीनों का मालिक हो और यह अलग-अलग रखना मैं समझता हूं कि यह बुद्धिमानी की चीज नहीं होगी इस में पैसा आधा खर्च होता है। आपके सामने अन्य देशों के उदाहरण मौजूद हैं। यनाइटेड किंगडम का उदाहरण ले लीजिये। जिसके आधार पर हम चले हैं वहां पर अपीलों की सुनाई बिल्कुल तरीके से होती है। इसलिये मैं आप से फिर प्रार्थना करूंगा कि मेरे सुझाव को स्वीकार किया जाय।

इसके अतिरिक्त में मंत्री महोदय का ध्यान चैप्टर २ में धारा ५ की तरफ दिलाना चाहता हूं। उसकी ओर अभी जो मेरे मित्र भरूचा जी ने सदन और माननीय मंत्री का ध्यान आकर्षित किया है और उस सम्बन्ध में अपने विचार प्रकट किये हैं उनसे मैं बहुत कुछ सहमत हूं। चूंकि इस समय वक्त नहीं है कि मैं आक्सिलरी नैवेल फ़ोर्सेज पर विस्तार से कुछ कह सकं इसलिये इस अवसर पर मैं उसकी बाबत कुछ न कहूंगा। लेकिन मैं इतना इस अवसर पर जरूर कहूंगा कि आज भले ही आप इसको कर सकें और जाहिर है कि यह बिल बहुत जल्दी पास होने जा रहा है लेकिन आपको अगर आज नहीं तो कल इस सुझाव पर गौर करना पड़ेगा कि हम क्यों न सुप्रीम कोर्ट की तरह से तीनों विंग्स के लिये एक ही सुप्रीम जज मुक़र्रर करें। अगर आप अपने डिपार्टमेंट और फ़ोर्स के आदमियों से बात करेंगे तो आपको मालूम होगा कि वह भी इसी ख्याल के हैं। यहां से बैठ कर आप उनकी असली राय को नहीं जान सकते और इसके अलावा वह अपनी सही सही राय प्रकट करने से डरते भी हैं क्योंकि वह आर्मी डिस्प्लिन में बंधे हुए हैं और वे सामने आपके आकर इस तरह कहने की हिम्मत नहीं कर सकते लेकिन अगर प्राइवेट में उनसे बात की जाय तो वह भी यही राय देंगे और वह यही कहते हैं कि ऐसा न करके हमारे साथ अन्याय हो रहा है लेकिन वह इसके लिये अपनी आवाज़ नहीं उठाते क्योंकि उनको सदा इस बात का डर बना रहता है कि अगर उन्होंने आवाज़ उठाई तो उन से बन्दूक रखा ली जायेगी और उनका कोर्ट मार्शल कर दिया जायेगा।

अन्त में मैं और अधिक न कह कर फिर एक बार मंत्री महोदय से निवेदन करूंगा कि वह इस सुझाव पर गम्भीरता से गौर करें और अगर आज सम्भव न हो तो आगे चल कर इस चीज को लागू करने के लिये सोचें। इतना कहने के बाद मैं सभापति महोदय. आपको एक बार फिर धन्यवाद देता हूं कि आपने मुझे बोलने का अवसर दिया।

Shri Jaipal Singh: I think we have to congratulate ourselves in seeing this Bill through. With its acceptance, we have now completed the third stage. But I do hope that Government will not take it as the last stage in this continuous process of legislation.

The three Acts for the three Services have, for the time being, been kept separate for specific reasons. It is now for the Government to see how these three Acts compare with each other *inter se* and how improvements by way of amendments can be made: I do hope that Government will bear that in mind. This Bill and the other two Acts, just because they have been passed by this House, are not perfect. There is plenty of room for improvement in them. It is only through experience we shall

[Shri Jaipal Singh]

know what improvements have to be made. Because, improvements are bound to come, as we gain experience, as we become more and more true to our own characteristics and to our own culture, as Pandit Thakur Das Bhargava has put it quite rightly.

Our armed forces are, numerically in terms of years, young. Overnight as it were, what was a mercenary force became a national force. And it is a great compliment to our armed forces that in the change over, in the tremendous revolution that has taken place the armed forces overnight it were, serving under one former regime, overnight became an army of patriots. How the armed forces have adapted themselves? This process of adaptation has to be a continuous process. It will have to be not merely in the external shapes. As has been pointed out by my friend, Pandit Thakur Das Bhargava as we go along, we shall know what befits us, what is alien to us and where corrections have to be made. For example, the very uniform that is worn by the armed forces requires change. Other countries are changing them. There is nothing fast and rigid; nothing that is permanent; changes there must be. So also in the matter of the administrative set up. Earlier I said that you would have to examine very carefully the administrative set up in other countries as to whether those things will suit us or not. But, this is not the time, in my view, for the setting up of the Admiralty or Air Council or Army Council. But, I think it would be as well for the Government to examine how and when we might proceed towards that direction. May I again appeal to the Government to lose no time in bringing into existence something like the Navy League in the U.K., which as I said previously, has an enormous membership of civilians throughout the country. The Navy League undertakes to educate the country, as it were, on naval problems of the country. While I emphasise the question of bringing about the Navy League and making it a country-wide organisation of civilians as well as Navy personnel, I would also urge that the same thing may be done in regard to the Air Force and the Army also.

17 hrs.

Some of us do not always appreciate the fact that the Navy today has a two-fold character. It is not merely the ships. In the Navy also there is the aviation wing. There is, as it were, half the Air Force, if I may put it that way, although it is not literally tied to the Indian Air Force as such, in the Navy. There are problems in the matter of improving legislation hereafter.

Lastly, I would like to pay my tribute to all the Armed Forces for the way they have conducted themselves. Here, in this House, we have not always been appreciative of their difficulties and during the Budget, somehow or other, some of us, not all of us, I think have exceeded our bounds in depicting the Armed Forces in the light they are not in. I think they are doing a very fine job. One hon. Member said that perhaps, this House is delegating too much authority to the Central Government. I would like to point out to him that every year, the Budget has to be presented to this House. It is this House that has to pass the Budget Demands. It is for this House, in passing the Budget Demands, to decide what the quantum of our Armed Forces shall be. So, from beginning to end, the authority is all the time with us. There is no question of any unlicensed delegation of authority to the Central Government. The Central Government has to depend on this House for everything. So, while we pass this Bill,—we have passed the other two Acts—I am conscious of the fact that the Government has to come back to this House again and again and seek the opinion, verdict of this House in regard to the composition of the

Armed Forces. It is for this House to tell the Government as to what is right and what is wrong and where changes have to be made. I have great pleasure in supporting the passage of this Bill.

Shri Easwara Iyer: Mr. Chairman, I shall be very brief. But, I regret to say that I cannot share the optimism put forward by Shri Dasappa and Shri Jaipal Singh.

17.05 hrs.

[MR. SPEAKER *in the Chair*]

I would say, viewing this as a piece of legislation coming forward with a lawyer's eye, that this piece of enactment, if passed into law, will go down into our statute-book as a standing example of incoherent ill-drafting, if I may say so, with very ambiguous definitions. The enthusiasm for discipline has been allowed to run riot, if I may say so, for bringing within the ambit of the definitions any actions which may become an offence. As my hon. friend, Pandit Thakur Das Bhargava said—he spoke in Hindi, but I could follow a little bit—that even a person coming with an unclean dress can be punished. What exactly is this unclean dress? The fact whether one wears an unclean dress or a clean dress is left to the subjective satisfaction of the superior officer.

Shri Naushir Bharucha: Some M.P.'s might be convicted under that.

Shri Easwara Iyer: Then there is another expression 'indecent words'. What exactly is the standard of decency? Whether standing here and speaking these words will amount to decency or not is not clear; I am unable to understand. That is also left to the subjective satisfaction of the superior officers.

I need not go again and again to the definition of the word 'munity'. It is wide enough to bring within its ambit any action or anything spoken by any naval officer or any naval rating.

Quite apart from that, there is the question of drunkenness also. A person may be drinking anything. If I may speak as a lawyer, what exactly is meant by drunkenness? Is it a state of mind or a state in which the man finds himself physically? A person may drink liquor; or he may drink coffee; or he may drink tea. What exactly is meant by drunkenness? Drunkenness is nowhere defined in this Bill. It is left to be decided by the court martial, the composition or the constitution of which is also left in very vague terms.

Again, when we plead for a provision for appeal, it is stated that in order to reduce delay in procedure, it is only desirable that such provisions should not be there. I do not mean to say that this is an enactment which is a copy of the U.K. enactment, because the Minister may take objection. But I may say that if we have borrowed anything good from the U.K. Act, we have not borrowed the salutary principle of appeal which is provided there. Possibly, if I were a cynic, I might be tempted to say that it is the monkey instinct in man to tear up beautiful things.

So, if this enactment goes into our statute-book, it will be a case where we shall see that the future working is found beset with dangerous and explosive results. I believe it was Justice Holmes who said 'Life of law is not logic but experience'. From that date, it has been our misfortune, perhaps, to leave everything to experience and say that experience will prove whether this enactment has any lacuna left in it, and if there is, then we shall correct it. Why should we not correct it now? Why is it not expedient to correct it now?

The Defence Minister, while moving the Bill for consideration put forward the theory that this is a proclamation to show that India is emerging as a great naval Power. In spite of this enactment and in spite of this piece of legislation, India is going to emerge as a naval Power.

[Shri Easwara Iyer]

It is not this enactment, but the brave boys who have occupied positions in the Navy, who are going to make India a naval Power. This enactment, when it goes into our statute-book, is going to curtail their enthusiasm. This is going to make them slaves to their superior officers, and fetter their liberties. I would say that, quite apart from the Fundamental Rights, there is absolutely no right conferred on them, so far as this enactment is concerned.

Shri Raghuramaiah: Mr. Speaker, Sir, with one exception—I am referring to the last speaker—I am very grateful to Members for having generally accorded their very generous measure of support to this Bill. I can of course understand the exception. I presume he is one of those who would rather not have a Bill of this nature at all but would leave everything at loose ends, the Army, the Navy and the Air Force, in disorganised state.

Shri Dasappa: And create chaos.

Shri Raghuramaiah: From the very beginning; hon. Members have paid particular attention throughout the discussions here and in the Joint Committee to the sense of discipline, service and loyalty of our armed forces. That is a thing which we are all proud of. During the debate, I am glad that well deserved tributes have been paid to this.

It is possible to improve drafting here and there. In fact, the Joint Committee took a lot of pains to improve it. To call this an ill-drafted measure, takes my breath away. I do not know what is the standard of drafting of my hon. friends opposite (*Interruption*). Anyhow, drafting is a small matter; what is more important is the real spirit of the enactment and whether the words convey what is meant.

I am surprised that various charges are made oftentimes that this is a copy of the British Act. When I point out the particular instances where we departed from that, then I am charged that we have departed from a salutary practice. What is the criterion of a salutary practice? After all, we have to see what is the present position, what are our present requirements, whether our policy has succeeded so far or is there any lacuna left. In the matter of appeal, I have taken great pains to point out that so far, since independence nothing has happened which convinces Government that the present provisions are not sufficient. Every precaution is taken to ensure that there is justice. I have mentioned so often during the course of the debate that there has been no case of gross injustice brought to the notice of Government. It may be that U.K. or other countries may have their own special reasons as to why they have come to a particular conclusion. But to insist that without knowing what is the necessity for it, without feeling the pressure of it, we should just rush in to copy some measure which has been adopted in UK, is not very fair.

It is not as though Government have closed their mind in regard to any particular matter, much less in regard to appeals. Government do appreciate the anxiety behind it. But the point is that the imperative necessity of it has not been brought home to Government. Government are satisfied that the provisions in the Bill in regard to appeals are, for the moment, satisfactory and sufficient. The moment that Government themselves feel convinced that these provisions are not sufficient and that administration of justice is in jeopardy, that would be time enough to amend this Act, the Army Act and the Air Force Act. But as matters stand now, I submit there is no case for it.

I am happy that we are now coming to the last stage of passing this Bill. I am sure that our Navy and we have some of the finest young men in it, will have a great future before them and that all the good things said in this House will be a matter of tremendous encouragement to them.

There was a question of Indianisation raised. It has been made clear on the floor of the House from time to time, and I may repeat for the information of the House, that we have gone a long way towards Indianisation. At the time of the partition, there were about 240 British officers and in July 1949 there were 89. At present, we have only 5 and it will not be very long before we would have Indianised completely and absolutely.

After all the Naval wing, as I mentioned the other day, is a wing that takes the largest time to build. It is not the building of a ship. It is the question of training personnel to man the ships and equipment. Even a trained person when he is put on a new ship and new equipment has got to learn all about that ship and that equipment. These are some of the factors that we have to face.

So much has been said about definitions and so on. There are so many things which are understood in the Army, the Air Force and the Navy which may not be understood in the same sense or in the same measure in ordinary common parlance. Many aspects of discipline are dependent on the manner in which traditionally a certain course of conduct is understood. A particular word may look strange to us but, certainly, it is understood well in the Armed Forces or the Navy or the Air Force. It would not be right to tinker with those well-established words. That is why, wherever it is necessary we have defined. Whereever it is well understood, wherever, in actual practice, it has not worked any hardship, it has been left to bear the meanings which they have acquired.

Mention has been made about the co-ordination of the Armed Forces and Government. I would like to say a word about it. We have developed a system for the last 10 years. I refer to the Defence Minister's Committee for the Armed Forces, the Defence Minister's Committee for the Air Force and the Defence Minister's Committee for the Navy. These are have been recommended, if I understand aright, by no less a person than Lord Ismay, a person considered as the great authority on the administration of the Defence machinery in U.K., and whose services were later, at some stage, requisitioned even by the Government of the United States. He has gone through the whole structure and then made a recommendation. So, it is not as if we had just pitched upon a fanciful thing and started work. For the last 10 years it has been given a trial.

In every one of these Committees, there are the representatives of Services concerned. For the Navy, you have got, apart from the Defence Minister and the Deputy Minister and the Secretary, the Chief of the Naval Staff. He is always at liberty to bring such technical officers as are required so that at every stage even in regard to matters of policy there is a discussion and there is the greatest amount of co-ordination between the Chief of the Naval Staff on the one hand and the officers of the Secretariat on the other and the Defence Minister. But, as I mentioned the other day, the final responsibility for the formulation of the policy and for the implementation of that must rest with the Defence Minister and quite rightly so, because the Defence Minister is the authority that is responsible to Parliament and the rights and powers of Parliament in this regard are supreme.

Before I close, I would like to thank once again the hon. Members for the co-operation which they have given in this matter and for all the kind things they have said of our Armed Forces and for the measure of support they have given in regard to the various clauses.

Mr. Speaker: The question is:

"That the Bill, as amended be passed."

The motion was adopted.

BUSINESS ADVISORY COMMITTEE

TWELFTH REPORT

Shri Jaipal Singh (Ranchi West-Reserved—Sch. Castes): Sir, I beg to present the Wwelfth Report of the Business Advisory Committee.

RULING OF SPEAKER ON CERTAIN QUESTIONS, RESOLUTIONS ETC.

Mr. Speaker: This morning I said that either today or tomorrow I will give my ruling regarding the notices that I have received of Questions and Resolutions and for raising discussion regarding certain statements reported to have been made by the Finance Minister, the Defence Minister and also by the Prime Minister. Some of these notices related to certain statements reported to have been made by the Finance Minister on the eve of his departure for U.S.A. and the publication thereof by the *New York Times*. Some Members have referred only to one statement and some others have referred to several statements by Ministers as creating a confusion in public mind regarding India's political and economic approach. But not one of the notices has given specifically the particular statements to which exception has been taken. Some of the Members who have tabled notices of motions in a representative capacity on behalf of their parties have also tabled questions separately asking for information regarding this matter. I have admitted one question so that it may elicit the factual position regarding the reported statements.

I, therefore, disallow all these notices of questions, discussion and resolutions. The question I have admitted is for answer on the 27th and to it the names of all those hon. Members who have either representatively or individually given various notices will be added so that these matters may be elucidated on the question.

Shri Braj Raj Singh (Firozabad): Shall we get time on that question? We will not have much time.

Mr. Speaker: I shall allow time certainly. I will also say that these notices relate to foreign policy. We will soon have a foreign policy debate when we can discuss whatever inconsistencies or confusion had been caused because of various statements, explanatory statements, other statements and so on by Ministers. These can very well be raised on the scheduled foreign policy debate.

So far as economic policy is concerned, I have already admitted a notice for discussion regarding the statement laid on the Table by the Finance Minister on his visit abroad. So, there is no intention to shut out any reasonable discussion regarding these matters. If some more time is also necessary in relation to these matters in particular, I shall certainly allow. The House will stand adjourned now.

Shri Tangamani (Madurai): This morning the hon. Speaker was pleased to direct that where questions are tabled by a good number of Members, then the best thing would be to have a discussion for half an hour. Here is a matter which is of great importance and this motion has been signed by 52 Members belonging to different sections.

Mr. Speaker: He has misunderstood me. All that I said this morning was that there were a number of Members who had tabled questions on the same subject and hence there was a number of supplementaries. In such a case I said possibly I may allow a half an hour discussion but that cannot be before a question comes up before the House and is answered. Whether a question has been fully answered or not, that arises only after it is answered in the House and not before.

The Lok Sabha then adjourned till Eleven of the clock on Friday, the 22nd November, 1957.

DAILY DIGEST

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The following papers were laid on the Table:—

(1) A Copy of the Wealth-tax Rules, 1957.

(2) A copy of the Annual Report of the State Trading Corporation of India (Private) Limited along with the Audited Accounts of the Corporation for the year ended the 30th June, 1957.

(3) A copy of the Notification No. S.R.O. 3578, dated the 9th November, 1957, making certain further amendments to the Estate Duty Rules, 1953, together with an explanatory note thereon.

(4) A copy of the Railway Passenger Fares Rules, 1957.

(i) Secretary reported a message from Rajya Sabha that Rajya Sabha concurred with the motion to refer the Mines and Minerals (Regulation and Development) Bill to a Joint Com-mittee.

Subject	Columns
(ii) Secretary also reported another message from Rajya Sabha that at its sitting held on the 19th November; 1957, Rajya Sabha had passed the Cantonments (Extension of Rent Control Laws) Bill.	
BILL PASSED BY RAJYA SABHA—LAID ON THE TABLE.	1656
Secretary laid on the Table the Cantonments (Extension of Rent Control Laws) Bill, as passed by Rajya Sabha.	
LEAVE OF ABSENCE.....	1658
Nine smember were granted leave of absence from the Sittings of Lok Sabha.	
MOTION *RE*: SECOND FIVE YEAR PLAN IN RELATION TO THE CURRENT ECONOMIC SITUATION.....	1658—84
Further discussion on the motion to consider the Second Five Year Plan in relation to the current economic situation continued. The Minister of Finance (Shri T.T. Krishnamachari) replied to the debate and the discussion was concluded.	
BILL PASSED.....	1684—1796
Further clause-by clause consideration of the Navy Bill as reported by the Joint Committee concluded. The Deputy Minister of Defence (Shri Raghuramaiah) moved that the Bill as amended be passed. The motion was adopted and the Bill, as amended, was passed.	
REPORT OF BUSINESS ADVISORY COMMITTEE PRESENTED....	1797
Twelfth Report was presented.	
AGENDA FOR FRIDAY, 22ND NOVEMBER, 1957	
Consideration of the Reserve Bank of India (Second Amendment) Bill and Private Members' Bills.	